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# 1979

# ANNUAL STATISTICAL REPORT

Report to the Supreme Court of Iowa

by

The Court Administrator of the Judicial Department

# Court Administrator

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STATEHOUSE
DES MOINES, IOWA 50319

April 10, 1980

TO THE HONORABLE CHIEF JUSTICE
AND ASSOCIATE JUSTICES OF
THE IOWA SUPREME COURT:

Pursuant to the provisions of Section 685.8, The Code, I submit herewith the 1979 report relating to the activity of the judicial department.

I wish to express my appreciation to the various judicial officers and clerks of the unified trial court for their cooperation in reporting judicial statistics to this office.

Respectfully,

William J. O'Brien
Court Administrator

WJO:pc

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# I. APPELLATE COURTS

## THE IOWA SUPREME COURT

The Supreme Court of Iowa is comprised of nine justices. The chief justice is selected by a vote of the Court and serves for the duration of his or her eight-year term of office. Ninety-three persons have served on the Supreme Court since Iowa became a territory on July 12, 1838. Although the high Court was comprised of only three justices during the first 25 years, the general assembly increased the Court's membership to four in 1864, to five in 1876, to six in 1894, to seven in 1913, to eight in 1927, and nine in 1929, as a result of rising caseload. Listed in order of judicial seniority on the Supreme Court, the present justices are: Clay LeGrand (Davenport), Warren J. Rees (Anamosa), Harvey Uhlenhopp (Hampton), W. W. Reynoldson, Chief Justice (Osceola), K. David Harris (Jefferson), Mark McCormick (Des Moines), Robert G. Allbee (Des Moines), Arthur A. McGiverin (Ottumwa), and Jerry Larson (Harlan).

The method of selecting justices to the Supreme Court of Iowa has changed several times since 1838. While the three territorial justices were appointed by the President of the United States, when Iowa became a state on December 28, 1846,

the constitution provided for the selection of Supreme Court justices by a joint vote of both houses of the general assembly. Iowa's second constitution, adopted in 1857, reflected the mood of Jacksonian democracy and called for the popular election of judges. Finally, in 1962 Iowa voters ratified a constitutional amendment which removed judges from partisan elections and established a 15-member State Judicial Nominating Commission comprised of seven lay persons appointed by the governor and confirmed by the senate and seven attorneys elected by members of the Iowa bar. The Supreme Court justice with the longest service, other than the chief justice, chairs the Commission. Whenever a vacancy occurs on the Iowa Supreme Court, the Commission nominates three individuals from whom the governor selects one. One year following initial appointment, and every eight years thereafter, Supreme Court justices stand for retention at the general election. Justices appointed after July 1, 1965, must retire by age 72; justices appointed earlier may serve until their 75th birthday.

Procedures were established in 1975 for the discipline and removal of judges standing for retention election. Except for magistrates, the Commission on Judicial Qualifications may apply to the Supreme Court to retire, discipline or remove any judge or justice. The Commission is comprised of a district court judge and two practicing attorneys appointed by the chief justice of the Supreme Court and four non-attorney electors appointed by the governor with confirmation of the senate.

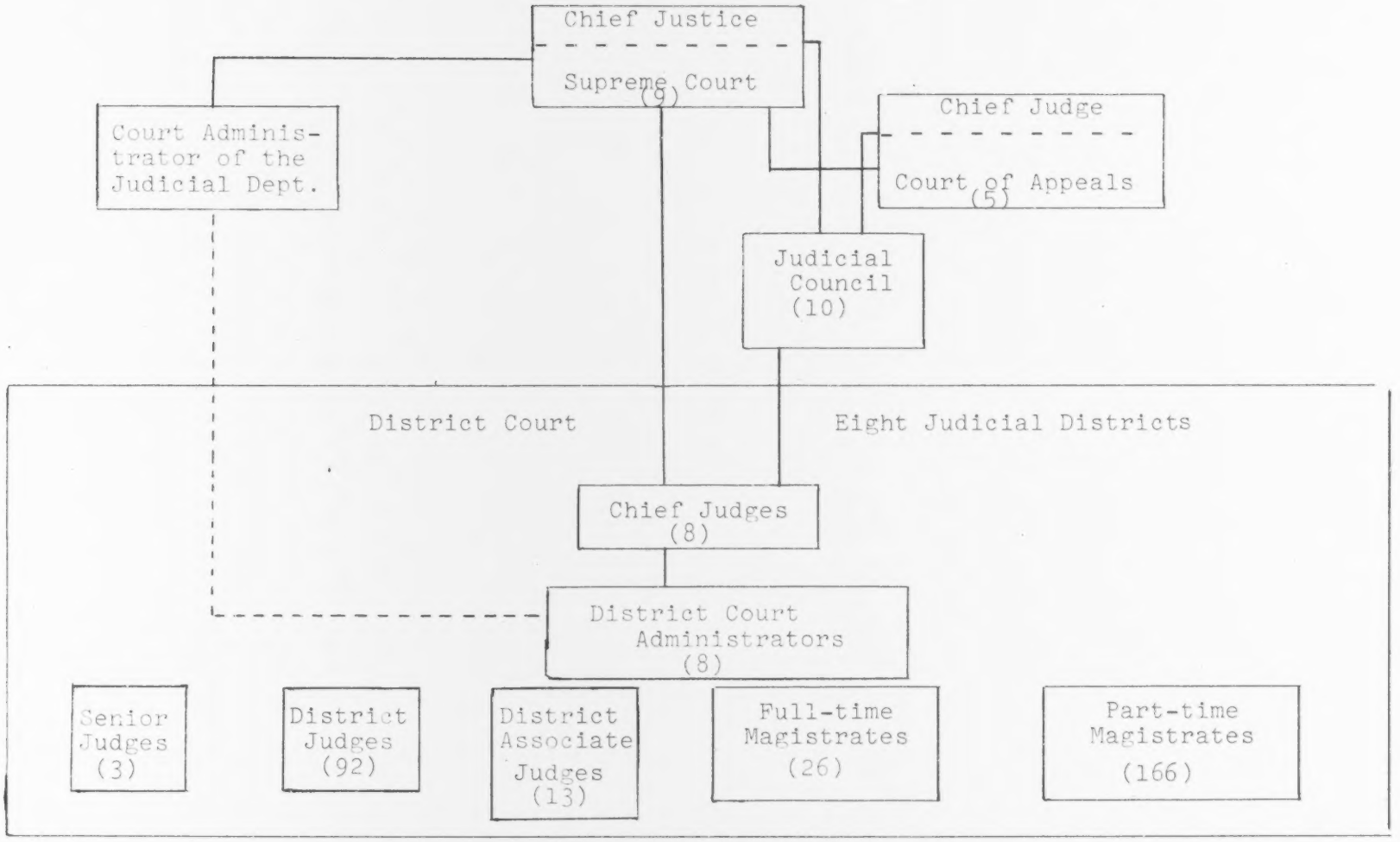
The Supreme Court stands at the apex of the Iowa judicial system. The Court has general appellate jurisdiction in both civil and criminal cases. The Court also has original jurisdiction in such cases as reapportionment, bar discipline, and the issuance of temporary injunctions. The Supreme Court has jurisdiction over all appeals from final judgments and from interlocutory orders. It also has the authority to grant writs of certiorari in cases where a district court is alleged to have exceeded its jurisdiction or otherwise acted illegally. A majority of cases handled by the Supreme Court are appeals from adverse final judgments in the district court, the Iowa trial court. Except where the action involves an interest in real estate, no appeal shall be taken in any case where the amount in controversy, as shown by the pleadings, is less than $3,000 unless the trial judge certifies that the cause is one in which appeal should be allowed. In small claims actions, where the amount in controversy is $1,000 or less, the Supreme Court may exercise discretionary review. In criminal cases where the state is the appellant or applicant, the Supreme Court may exercise discretionary review in the following cases: 1) an order dismissing an arrest or search warrant, 2) an order suppressing or admitting evidence, 3) an order granting or denying a change of venue, and 4) a final judgment or order raising a question of law important to the judiciary and the profession. In cases where the defendant is the appellant or applicant, the Supreme Court may exercise discretionary review

in the following cases: 1) an order suppressing or admitting evidence, 2) an order granting or denying a change of venue, 3) an order denying probation, 4) simple misdemeanor or ordinance violation convictions, and 5) an order raising a question of law important to the judiciary and the profession. All other final judgments may be appealed to the Supreme Court as a matter of right. [See diagram of the Iowa judicial system on the next page.]

The 1976 Session of the 66th General Assembly established a five-member Court of Appeals. All cases continue to be appealed directly to the Supreme Court which transfers cases to the intermediate court. Supreme Court justices in rotating three-member panels determine which cases to retain and which matters to route to the Court of Appeals. Pursuant to Rule 401, Rules of Appellate Procedure, the Supreme Court ordinarily shall hear (not transfer) cases involving: 1) substantial constitutional questions as to the validity of a statute, ordinance or court or administrative rule; 2) substantial issues in which there is or is claimed to be a conflict with a published decision of the court of appeals or supreme court; 3) substantial issues of first impression; 4) fundamental and urgent issues of broad public importance requiring prompt or ultimate determination; 5) cases in which life imprisonment has been imposed; 6) lawyer discipline; and 7) substantial questions of enunciating or changing legal principles. The Rule also suggests summary disposition of certain cases by the Supreme Court and transfer to the Court of Appeals of cases involving the application of existing legal principles.

CHART 1

IOWA JUDICIAL DEPARTMENT



In addition to deciding cases, the Supreme Court is authorized to adopt rules of procedure and administration for and supervise the lower courts, determine the rules for admission and discipline of the bar, regulate a client security fund and program of mandatory continuing education for lawyers and judges, and adopt rules regulating appellate practice and procedure. In exercising its administrative and supervisory control over the trial courts, the Iowa Supreme Court appoints a chief judge in each of the eight judicial districts. The chief judges are responsible for overseeing all judges and magistrates within their jurisdictions. Together with the chief justice of the Supreme Court or his designee, the chief judges of the district court comprise a Judicial Council. The Council is authorized to consider all court administrative rules, directives, and regulations necessary to provide for an efficient, orderly, and effective administration of justice in Iowa.

Assisting the Supreme Court in its administrative, supervisory, and decision-making roles are the court administrator, clerk of court, legal assistants, and various boards and commissions. Since 1967, each justice has been authorized to appoint a legal assistant to assist in research. In 1971, the legislature authorized the Supreme Court to appoint a court administrator. Serving at the pleasure of the Supreme Court, the court administrator and his staff have many statutory and administrative responsibilities including: screening cases for oral argument and case routing, writing cases statements, gathering

statistical data on the judicial business at all levels, examining the state of the dockets in the district court and recommending the assignment of judges to courts in need of assistance, apportioning part-time judicial magistrates among the counties, computing the district court judgeship formula, conducting judicial education programs, recommending improvements in the organization and operation of the judicial system, administering the judicial retirement system, handling payroll and travel expenses for the judicial department, planning and budgeting for the Supreme Court and its administrative office, providing administrative assistance to various court appointed committees, and attending to such matters as the Supreme Court may direct. The court administrator serves as the executive secretary for the Judicial Qualifications Commission and ex officio member of the Judicial Coordinating Committee; he is also a member of the Iowa Crime Commission, State Library Commission, and the State Records Commission.

The clerk of court is appointed by the Supreme Court to a four-year term. The clerk of Supreme Court also serves as the clerk of the Court of Appeals. The clerk dockets all cases appealed to the Court, collects court fees, gathers and assembles legal briefs, records, and transcripts, and files and records every opinion and order of the appellate courts.

In its role as supervisor of the Iowa bar, the Supreme Court appoints the members of the Board of Law Examiners, and confirms as commissioners of the Court the members of the Grievance Commission and the Committee on Professional Ethics and Conduct. With the assistance of the Iowa State Bar Association, the Court established the Client Security

and Attorney Disciplinary System designed to prevent defalcations by members of the Iowa bar and provide for the payment of losses caused to the public by dishonest conduct of Iowa attorneys. The Court appointed a seven-member commission to administer the fund resulting from annual assessment imposed on attorneys. The Supreme Court has also provided that all Iowa lawyers and judges must complete a minimum of fifteen hours of continuing legal education each year. A twelve-member Commission on Continuing Legal Education was appointed to exercise general supervisory authority over the administration of the rule.

The Supreme Court is responsible for promulgating rules of appellate, civil, criminal, juvenile, and probate procedure. The Court is also authorized to prescribe rules of pleading, practice, and procedure, and the forms of process, writs, and notices for all proceedings concerning hospitalization of mentally ill persons. In exercising its rulemaking authority, the Supreme Court is assisted by several committees including: 1) the Supreme Court Committee on Rules of Civil Procedure, 2) the Advisory Committee on Rules of Criminal Procedure, 3) the Supreme Court Advisory Committee on Rules of Juvenile Procedure, and 4) the Probate Rules Committee. In developing rules for the hospitalization of the mentally ill, the Supreme Court has been assisted by the Iowa State Bar Association's Committee on Law and Behaviorial Sciences.

The qualifications and training requirements of juvenile probation officers are mandated by the Supreme Court and administered by the Court's Juvenile Probation Officers Training Committee. The Court also appoints the five-member Board of Examiners of Shorthand Reporters which administers the certified shorthand examination. The Supreme Court clerk is designated to assist the Board in collecting and accounting for all examination and certification fees.

In 1979, the Legislative Council created a Court Study Subcommittee to study the concept of state financing of the entire Iowa judicial system. With the assistance of Federal funding, a contract was signed with Resource Planning Corporation to study current and projected court related expenditures including funding for the following offices or personnel: judges and magistrates (expenses other than salary and travel), clerks of the district court, juvenile probation, juvenile referees, court reporters, district court administrators, judicial hospitalization referees and advocates, and bailiffs. The contractor will also examine the costs, fees, fines, and other revenues collected and distributed at the county level.

The two major studies initiated by the Supreme Court and completed in 1979 were the Cost of Litigation Study chaired by Former Chief Justice C. Edwin Moore and the Media in The Courtroom Study headed by Justice Jerry L. Larson. The Cost of Litigation Study Committee suggested a number of innovations to

reduce the expense of litigating cases in the trial court including proposals related to the number of interrogatories and depositions, use of pretrial conferences, jury size, case scheduling and assignment procedures, method of taxing costs, dispute arbitration, small claims jurisdictional amount, interest on judgment and decrees, and recovery of court appointed attorney fees. On October 15, 1979 the Supreme Court adopted, with minor changes and modifications, most of the recommendations suggested by the Cost of Litigation Study Committee.

A few weeks later, the Supreme Court endorsed the recommendations of its Advisory Committee on Media in the Courtroom and agreed to allow for a one-year trial period the use of electronic media in Iowa courtrooms under carefully drawn procedural and technical rules. The first judge and jury trials in Iowa since the 1940's allowing the use of cameras and broadcasts were held in Waterloo and Sioux City, respectively, in January, 1980.

Coordinated judicial planning was also developed in 1979. On February 20, 1978 the Iowa Supreme Court appointed a nine-member Judicial Planning Committee, comprised of representatives of various components of the criminal justice system, to prepare a judicial action plan and establish priorities for improvement of the Iowa judicial system. [As a result of Federal legislation, the name of the Committee was changed to the Judicial Coordinating Committee in January, 1980.] Chaired by Justice David Harris, the Committee performs all judicial

planning functions referred to in the Crime Control Act of 1976 and studies problems of the judicial department on request of the Iowa Supreme Court. The Committee also reviews court-related federal grants and coordinates court improvement projects.

With the assistance of staff, the Coordinating Committee drafted the 1980 Annual Judicial Action Plan underscoring the Court's concern for improved efficiency and quality adjudication. The priorities identified in the 1980 Plan included: 1) development of a unified state court system with a coordinated administration, 2) maximized court capabilities, and 3) improved public involvement and awareness of the court system. The Plan was approved by the Supreme Court. Programs outlined in the Plan are funded primarily through the Law Enforcement Assistance Administration.

## Workload

During 1979, the Iowa Supreme Court disposed of 290 cases by written opinion - 202 civil, 81 criminal, and 7 disciplinary. [See Table 1.] (Where a single ruling resolved more than one filing, only one of the consolidated cases was counted as disposed of by formal opinion.) Compared with 1978 statistics, the 1979 figures represent a 21.5 percent decrease in the number of civil decisions, a 27.2 percent decline in criminal dispositions by formal opinion, and a 28.6 percent reduction in the number of attorney disciplinary decisions. There were 104 fewer decisions written by the justices of the Supreme Court in 1979 than in 1976, before Court of Appeals became operative. The decrease in the number of Supreme Court dispositions by written

opinion is primarily attributable to the concentration of the most complex cases in the Supreme Court and, consequently, a substantial 180 percent decrease (70 to 25) in the number of Supreme Court dispositions by unsigned per curiam or summary opinion since 1976. [Discounting the title page, the average length of the 1979 summary opinions was 1.4 pages.] Other factors affecting the decrease in formal decisions include: 1) the added burden of reviewing a large volume of appellate cases and determining which cases to transfer to the Court of Appeals, 2) deciding which appellate rulings merit further review, and 3) performing various administrative and rule-making tasks.

As illustrated in Table 2, 88.0 percent of the cases (257 of 290) decided by formal opinion were appealed to the Supreme Court as a matter of right. There were 239 appeals from final judgments in the district court, 7 appeals from interlocutory rulings, 6 postconviction appeals and one case remand from the U.S. Supreme Court for reconsideration. The Iowa Supreme Court exercised discretionary review in only 33 cases - 15 cases appealed from the Court of Appeals, 11 original certiorari cases, and 7 attorney disciplinary actions.

Table 3 shows the most numerous types of civil cases disposed of by written opinion concerned administrative law (54), contracts (39), torts (33), and domestic relations (17). While the number of administrative law cases rose 35.0 percent (a whopping 286 percent since 1976) and contract cases increased 21.9 percent, domestic relations, property, and tort cases declined 82.4, 40.9, and 33.3 percent, respectively, from 1978. Of the

81 criminal cases, 19 involved guilty pleas and/or sentencing issues, exclusively.

Table 4 illustrates the number of formal written opinions submitted each month by the Iowa Supreme Court since 1973. From 1973 through 1979, the number of written decisions rose from 317 (1973) to 394 (1976) then down to 290 (1979).

In addition to writing 290 majority opinions during 1979, the nine Supreme Court Justices registered 36 dissents and 30 concurrences. Their opinions totaled 2,779 pages or 309 pages per judge on the double-spaced, legal-sized "red line" used for official decisions. There were 265 majority opinions designating the author, and 25 per curiam opinions. The number of cases disposed of by per curiam or unsigned opinion showed a substantial decrease in 1979 from the number of such opinions filed in 1978 (45) and 1977 (89). Again, this decrease is primarily attributable to the retention and disposition of a much greater percentage of complex and difficult cases. Overall, the average justice of the Supreme Court wrote approximately 32 court rulings during 1979.

Cases filed before the Supreme Court rose slightly from 1,490 (1978) to 1,507 (1979) - an increase of 1.1 percent. There were 1,231 filings in 1977; 1,176 in 1976; 1,086 in 1975. (A case is considered filed or docketed at the time the clerk prepares a docket page and assigns a number to the case.)

Table 5 indicates the number of civil and criminal cases "In Work," "Ready," "Assigned," and "Out-to-Judges" which were pending as of January 1, 1977, 1978, and 1979. Although the number of civil and criminal cases "Ready" for disposition remained constant between January 1, 1979 and January 1, 1980, the number of cases "In Work" increased 15.6 percent (674 to 779) while the total number of pending cases rose 10.0 percent (880 to 968). The number of pending criminal cases climbed 27.3 percent (275 to 350).

As noted in Table 6, the average time elapse from "Ready" for submission to Supreme Court opinion was 5.0 months in 1979 - a decrease of 1.5 months in one year or 7.2 months in two years. The average delay for regular civil cases dropped from 17.0 months in 1977 to 5.4 months in 1979.

An examination of the direction of the Supreme Court decisions during the past six years indicates that approximately 65 percent of the trial court rulings were affirmed by the Court, 27 percent were reversed, and 8 percent were mixed. (A "mixed" Supreme Court decision is defined as a ruling which both "affirms" and "modifies" or "reverses" parts of a lower court ruling.)

| | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 |
|---|---|---|---|---|---|---|
| Affirmed | 70 | 65 | 68 | 64 | 63 | 57 |
| Reversed | 24 | 26 | 23 | 30 | 27 | 33 |
| Mixed | 6 | 9 | 9 | 6 | 10 | 10 |

Over half of the cases (146/290) disposed of by written opinion were appealed from the trial courts of six metropolitan counties. Nearly one-fourth of the cases arose in Polk County.

| Counties | Number of Cases | Percentage of Total Cases Disposed |
|---|---|---|
| Polk | 68 | 23.4 |
| Black Hawk | 19 | 6.6 |
| Linn | 16 | 5.5 |
| Scott | 16 | 5.5 |
| Woodbury | 16 | 5.5 |
| Pottawattamie | 11 | 3.8 |
| TOTAL | 146 | 50.3 |

In addition to the 290 Supreme Court cases disposed of by formal opinion after submission to the Court, 1,120 cases (780 civil and 340 criminal) were disposed of by Court order, consolidation, dismissal by the clerk for failure to cure a default, or by voluntary action by the parties involved. Table 6 shows there were 117 cases dismissed by order of the Supreme Court; there were 214 orders denying petitions for various types of review. One hundred and four cases were dismissed by the clerk for failure to cure a default after notice, 249 cases were voluntarily withdrawn by the parties, 20 cases were consolidated, and 377 cases were transferred by order of the Supreme Court to the Court of Appeals. In total, 1,410 filings were disposed of at the Supreme Court level in 1979, (1,410; 1,431; 1,079, 868; 853; and 766 in 1978, 1977, 1976, 1975, 1974, and 1973, respectively). Discounting the cases transferred to the Court of Appeals, the Supreme Court disposed of 1,010 appeals in 1976, 1,075 in 1977, 1,075 in 1978, and 1,033 in 1979.

A significant amount of judge-time was also spent ruling on preliminary motions and applications, conducting hearings, and writing 3,024 orders which did not result in the disposal of a case. There were 3,445 nondispository court orders in 1978, 2,432 in 1977, 2,281 in 1976, and 1,591 in 1975.

In recent years, several major structural and procedural changes have contributed to the Supreme Court's ability to handle an increasing number of appeals. One important innovation was the reinstitution of a practice prevalent from 1929-1943; namely, hearing and deciding cases in divisions of five members. Instead of spending four days a month in Court hearing oral arguments, each justice now spends two days hearing oral arguments. (During the monthly Court week, Wednesdays are generally reserved for conference and administrative matters.) Except in the most complex and controversial cases in which two or more justices request disposition en banc, cases before the Supreme Court are decided by division. The drafts of all proposed opinions are circulated to the entire Court. At any time prior to final approval of a proposed opinion, any two justices may request that a specific case be decided en banc. The research staff initially screens all cases and recommends to a three-justice screening panel whether a case should be submitted en banc or to a division; staff attorneys also recommend the amount of oral argument time, if any, which should be allotted to each case, and whether the case should be retained by the Supreme Court or transferred to the Court of Appeals.

As noted in Table 8, 228 of the 290 Supreme Court decisions were decided by a five-member panel. All disciplinary cases were considered en banc; 22.3 percent of the civil and 12.3 percent of the criminal cases were formally voted on by the full membership. Overall, 21.4 percent of the cases disposed of in 1979 were decided by all nine justices sitting en banc. In 1978, 1977, and 1976, 23.5, 9.9 and 5.3 percent of the cases were decided en banc, respectively.

In addition to using judicial panels to hear and decide cases, the Court has also conserved time by reducing the number of cases permitted oral argument and limiting the amount of time each party can use in presenting its case. While before 1973 the Court allowed 75 minutes to argue a case, today most oral arguments are limited to approximately 35 minutes. In 1979, 60 of the 269 cases (22.3 percent) were submitted without oral argument before the Supreme Court. However, indicative of the increased importance and complexity of cases decided by the Court in 1979, the number and percent of non-oral submissions declined substantially since 1976. (In 1976, 1977, and 1978; 149, 105, and 96 cases, respectively, were submitted to the Court without oral argument.)

Other factors playing crucial roles in alleviating some of the Court's research and administrative burdens include: the research of legal assistants, case statements, court orders, and screening recommendations drafted by the research staff, and the administrative tasks performed by the court administrator.

## THE IOWA COURT OF APPEALS

In 1976, the 66th General Assembly established a new five-member appellate court designated as the "Iowa Court of Appeals." From a list of 15 nominees submitted by the State Judicial Nominating Commission, on September 23, 1976, the governor appointed Robert G. Allbee (Des Moines), James H. Carter (Cedar Rapids), Allen L. Donielson (West Des Moines), Leo Oxberger (St. Charles), and Bruce M. Snell, Jr. (Ida Grove) to the appellate bench. The members of the Court of Appeals commenced their duties November 1 and selected Robert G. Allbee chief judge. The new Court began hearing oral arguments and deciding cases in January, 1977.

On June 21, 1978 Chief Judge Allbee was appointed to the Iowa Supreme Court. Janet Johnson (Des Moines) was appointed to the Court of Appeals on September 22, 1978. Judge Oxberger was elected chief judge of the Court of Appeals on October 17, 1978.

The Court of Appeals is authorized to review all civil and criminal actions, postconviction remedy proceedings, small claims actions, writs, orders, and other processes transferred to it by the Supreme Court. The Iowa Court of Appeals hears only the cases transferred to it by the Supreme Court. All cases continue to be appealed directly to the Supreme Court which transfers cases to the Court of Appeals.

## Workload

As indicated in Table 9, during 1979, the five-member Court of Appeals disposed of 379 cases - 259 civil and 120 criminal. There were 256 per curiam opinions, 121 signed opinions, and two cases dismissed by order. The Supreme Court transferred to the Court of Appeals 69 cases in late 1976, 356 cases in 1977, 370 in 1978, and 377 in 1979 for a total of 1,172 cases - 838 civil and 334 criminal. There were 52 civil and 24 criminal cases pending before the Court of Appeals at the end of 1979.

The number and type of cases disposed of by formal written opinion is illustrated in Table 10. As noted in this Table, the Court of Appeals disposed of 111 domestic relations cases - 76 involving child custody - 47 contract cases, 25 tort cases, and 21 property cases. Twenty of the 120 criminal cases involved guilty pleas and/or sentencing only.

Of the 377 cases disposed of by opinion, 235 or 62.3 percent were affirmed, 70 or 18.6 percent were reversed, and 72 or 19.1 percent were a combination of the two, modified or remanded only. During 1979, the Supreme Court considered 144 applications for further review and granted review in 12 cases. Of the 16 Court of Appeals rulings reviewed by the Supreme court in 1979, 12 were vacated and 4 were affirmed. The Supreme Court vacated four of the six criminal cases and eight of the ten civil cases reviewed.

The average delay from the time a case was "ready" for submission to "decision" by the Court of Appeals was 4.9 months -

a decrease of 7.6 months in two years. [Table 11.] Priority civil and criminal cases took only 4.2 and 4.5 months, respectively; the average elapse time for non-priority civil cases was 5.2 months - down from 16.1 months in 1977.

Of the 387 cases submitted to the Court of Appeals in 1979, 167 (43.2 percent) were heard on the record without oral argument. In 1978, 205 cases (52.2 percent) were nonoral submissions.

Including dissenting and concurring opinions, the 377 formal opinions totaled 1,547 pages, an average of 4.1 pages per case or 309 pages per judge, counting the title page. Opinions ranged in length from 2 to 25 legal pages doubled-spaced.

Of the 377 dispositions by formal opinion, 236 or 62.6 percent were appealed from 13 populous counties: Polk (64), Black Hawk (30), Scott (24), Linn (20), Cerro Gordo (18), Johnson and Woodbury (13), Clinton and Pottawattamie (11), Dubuque and Webster (9), and Muscatine and Story (7). During 1979 the Court of Appeals decided cases from 77 counties.

## Iowa Appellate Courts - Statistical Summary

There were 1,507 cases - 1,014 civil and 493 criminal - docketed in the Supreme Court in 1979, up from 1,490 in 1978. The Supreme Court and the Court of Appeals disposed of 1,412 cases - 985 civil and 427 criminal - down from 1,459 in 1978. Over half of the civil (519/985) and criminal (226/427) dispositions were by order rather than formal opinion;

two-thirds of these matters were dismissed by the clerk or the court, denied or consolidated; one-third were voluntarily dismissed or withdrawn. There were 1,044 cases pending (670 civil and 374 criminal) at the end of the year - an increase of 86 from the first of the year.

There were 667 dispositions by formal opinion - 466 civil and 201 criminal. During 1979, the average case was disposed of 13 months after the case was docketed in the appellate clerk's office. In the average case it took the parties 8 months to file the briefs, records, etc., and make the case ready for submission to the court; the elapse time from readiness to decision was 5 months. The largest category of civil cases handled at the appellate level by formal opinion was domestic relations - 128 of 466 cases or 27.5 percent. The number and types of other civil cases decided by the appellate courts were as follows: contracts, 86; administrative law, 67; torts, 58; trusts, estates, and wills, 18; and postconviction relief, 16. Nearly one-fifth of the criminal dispositions involved guilty pleas and/or sentencing, exclusively.

## Financial Statement

The 1979 Session of the 68th General Assembly appropriated $10,017,344 to finance the operation and administration of the trial and appellate courts in Iowa for fiscal year ending June 30, 1980. (This figure includes appropriations for the Supreme Court, Judicial Retirement Fund, Judicial Qualifications Commission, Board of Bar Examiners, Board of Shorthand Reporters,

the salaries and travel expenses of all trial court judges, and a capital improvements.) The appropriation for the judiciary represented 0.6 of one percent of the total State budget of $1,708,556,015. As noted in Chart 2 on the following page, the major appropriation categories and their share of the State's budget were: Education, 52.0 percent, Miscellaneous Tax Credits and Aids, 18.6 percent; Human Resources, 18.4 percent; State Departments, 6.7 percent; Natural Resources, 2.2 percent; and Transportation and Law Enforcement, 2.1 percent.

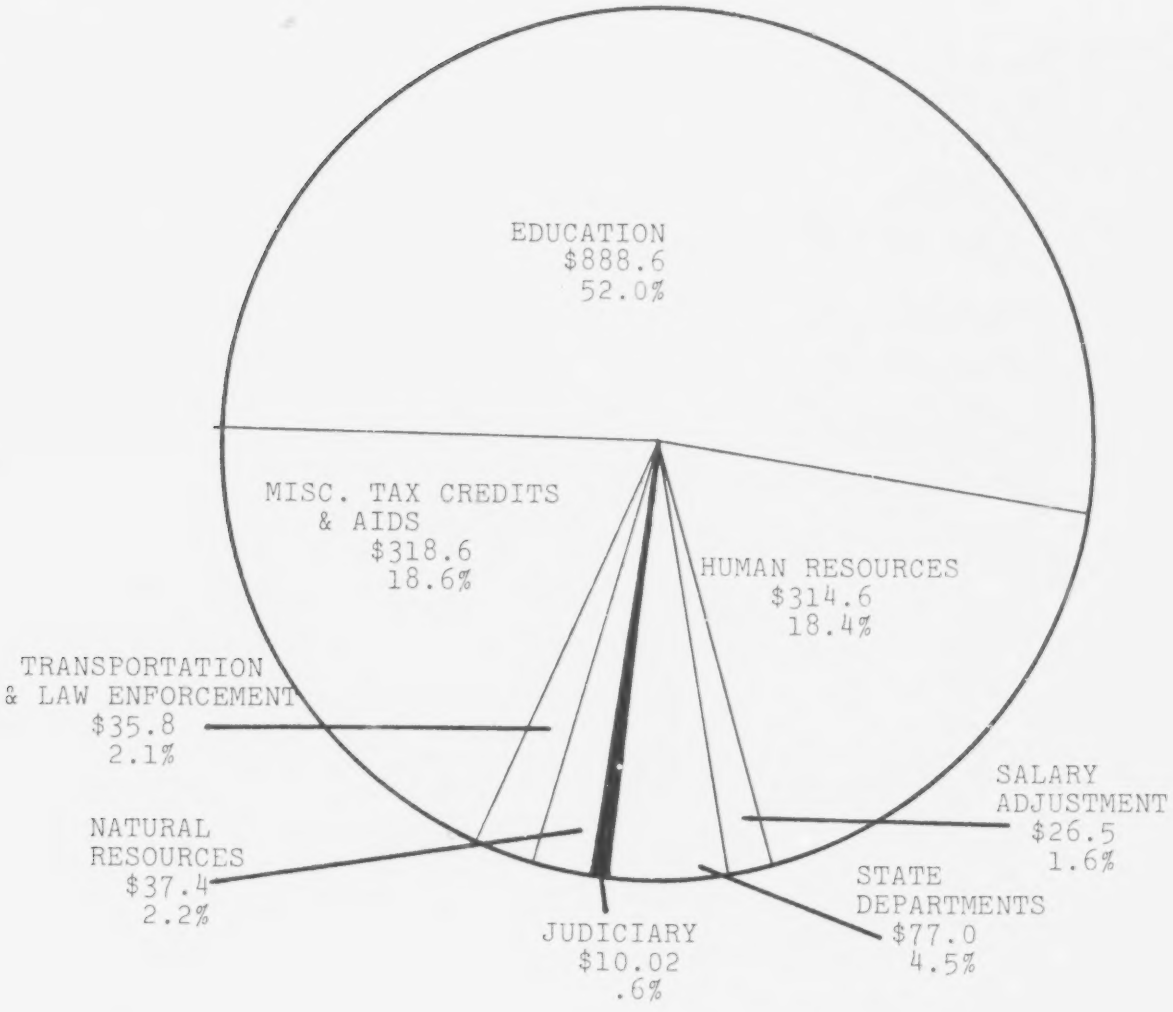
Of the 10.0 million appropriated for the Judicial Department $7.9 million was earmarked for salaries - Chief Justice of the Supreme Court, $54,000; eight justices, $49,000; chief judge of the Court of Appeals, $47,500; four associate judges, $46,500; eight chief judges of the district court, $45,500; 84 district court judges, $43,500; 13 district associate judges, 17 full-time magistrates, and 9 substitute full-time magistrates, $36,000; and 164 part-time magistrate positions, $10,000 each. There was $8,908,014 appropriated for the courts, $308,613 as lump sum contribution to judicial retirement, $498,916 for administration, $51,801 for boards appointed by the Supreme Court, and $250,000 for renovation of judicial space.

The State Auditor's figures show that revenue (fines and fees) collected in the district court totaled over $19.6 million in fiscal 1978. Office space, support personnel, and supplies for trial judges are provided by the county.

Chart 2

STATE OF IOWA

Appropriated funds for Fiscal Year 1980
in millions of dollars $1,708




The cost of administering the Judicial System is 0.6 of one percent of the total State Budget for fiscal year 1980.

TABLE 1

THE NUMBER AND TYPE OF CASES[a] DISPOSED OF BY WRITTEN OPINION - IOWA SUPREME COURT, 1974 - 1979

| CASES | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | CHANGE IN PERCENT 1974-1979 |
|---|---|---|---|---|---|---|---|
| CIVIL[b] | 197 | 229 | 176 | 252 | 245 | 202 | +24.4% |
| CRIMINAL[c] | 184 | 143 | 219 | 118 | 103 | 81 | -56.0% |
| DISCIPLINARY[d] | 3 | 6 | 8 | 4 | 9 | 7 | +133.3% |
| TOTAL | 384 | 378 | 394 | 374 | 357 | 290 | -24.5% |

a. Where two or more related cases were consolidated for purposes of decision-making and resolved by one Court opinion, only one of the combined cases was counted in computing the total number of dispositions by opinion. In 1979, the 290 Supreme Court decisions involved 310 case filings.
b. The "civil" case category in this report includes appeals from final denials of postconviction relief, and all certiorari cases.
c. "Criminal" means direct appeals from final judgment in criminal cases.
d. Includes only the bar disciplinary proceedings disposed of by written opinion and published in the North Western Reporter.

TABLE 2

FORMAL DISPOSITIONS BY THE IOWA SUPREME COURT DURING 1979 AS CLASSIFIED BY MODE OF REVIEW

| MODE OF REVIEW | TYPE OF CASE | |
|---|---|---|
| | CIVIL | CRIMINAL |
| Appeal from Final Order (judgment) in District Court | 164 | 75 |
| Original Certiorari | 11 | - |
| Appeal from Interlocutory Ruling | 7 | - |
| Discretionary Review of Small Claim | 2 | - |
| Appeal in Postconviction Relief Proceeding | 6 | - |
| Lawyer Disciplinary | 7 | - |
| Further Review | 10 | 6 |
| Remand by U.S. Supreme Court | 1 | - |
| Miscellaneous | 1 | - |
| Total Dispositions | 209 | 81 |

TABLE 3

NUMBER AND TYPES OF CASES DISPOSED OF
BY SUPREME COURT OPINION, 1977-1979

| TYPE OF CASE | 1977 | 1978 | 1979 |
|---|---|---|---|
| CIVIL | | | |
| Administrative Law | 27 | 40 | 54 |
| Contracts | 43 | 32 | 39 |
| Contested child custody | 11 | 12 | 9 |
| Domestic relations not involving child custody | 27 | 19 | 8 |
| Postconviction relief | 9 | 9 | 8 |
| Property | 25 | 22 | 13 |
| Taxation | 14 | 7 | 5 |
| Tort | 54 | 45 | 33 |
| Trust, estates, wills | 11 | 10 | 5 |
| Other | 31 | 49 | 28 |
| TOTAL CIVIL | 252 | 245 | 202 |
| CRIMINAL | | | |
| Guilty plea only | 14 | 7 | 2 |
| Sentencing only | 14 | 11 | 14 |
| Guilty plea & sentencing only | 4 | 2 | 3 |
| Other | 86 | 83 | 62 |
| TOTAL CRIMINAL | 118 | 103 | 81 |
| LAWYER DISCIPLINARY PROCEEDINGS | 4 | 9 | 7 |
| TOTAL | 374 | 357 | 290 |

TABLE 4

NUMBER OF CASES DISPOSED OF PER MONTH BY OPINION -
IOWA SUPREME COURT 1974-1979

| MONTH | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 |
|---|---|---|---|---|---|---|---|
| JANUARY | 26 | 21 | 32 | 39 | 39 | 36 | 32 |
| FEBRUARY | 33 | 45 | 31 | 35 | 24 | 38 | 31 |
| MARCH | 33 | 37 | 39 | 35 | 34 | 39 | 27 |
| APRIL | 27 | 37 | 41 | 39 | 41 | 33 | 31 |
| MAY | 32 | 41 | 39 | 42 | 39 | 35 | 25 |
| JUNE | 42 | 36 | 32 | 52 | 27 | 37 | 20 |
| SEPTEMBER* | 35 | 61 | 73 | 61 | 68 | 54 | 60 |
| OCTOBER | 32 | 31 | 26 | 28 | 31 | 30 | 19 |
| NOVEMBER | 23 | 36 | 28 | 34 | 38 | 31 | 22 |
| DECEMBER | 34 | 39 | 37 | 29 | 33 | 24 | 23 |
| TOTAL | 317 | 384 | 378 | 394 | 374 | 357 | 290 |

*Also includes written opinions filed in July and August.

TABLE 5

NUMBER OF CIVIL AND CRIMINAL CASES: IN WORK[a], READY[b], ASSIGNED[c], AND OUT-TO-SUPREME COURT JUDGES[d] - A COMPARISON OF CASELOADS, DECEMBER 31, 1977, 1978, AND 1979

| | 1977 | | | 1978 | | | 1979 | | |
|---|---|---|---|---|---|---|---|---|---|
| | CIVIL | CRIMINAL | TOTAL | CIVIL | CRIMINAL | TOTAL | CIVIL | CRIMINAL | TOTAL |
| IN WORK | 323 | 248 | 571 | 452 | 222 | 674 | 485 | 294 | 779 |
| READY | 157 | 27 | 184* | 90 | 36 | 126* | 95 | 30 | 125* |
| ASSIGNED | 20 | 15 | 35 | 23 | 6 | 29 | 19 | 11 | 30 |
| OUT-TO-JUDGES | 41 | 17 | 58 | 40 | 11 | 51 | 19 | 15 | 34 |
| TOTALS | 541 | 307 | 848 | 605 | 275 | 880 | 618 | 350 | 968 |

a. In Work - All cases docketed which are not yet ready for submission.
b. Ready - All cases ready for submission.
c. Assigned - All cases which have been assigned to the judges and will be submitted or formally presented to the Court within a month.
d. Out-to-Judges - All cases submitted to the Court which have not been decided.

*For purposes of this table, the 356, 370, and 377 cases transferred to the Court of Appeals in 1977, 1978, and 1979, respectively, were deducted from the number of ready cases pending before the Supreme Court.

TABLE 6

AVERAGE DELAY (IN MONTHS) FROM THE TIME A CASE IS READY FOR SUBMISSION TO OPINION - IOWA SUPREME COURT

| YEAR | TYPE OF CASE | | | AVERAGE DELAY |
|---|---|---|---|---|
| | CIVIL | PRIORITY CIVIL | CRIMINAL | |
| 1974 | 9.7 | 3.2 | 3.6 | 6.3 |
| 1975 | 14.6 | 3.3 | 4.7 | 9.0 |
| 1976 | 20.2 | 4.0 | 3.8 | 9.0 |
| 1977 | 17.0 | 4.3 | 4.5 | 12.2 |
| 1978 | 8.3 | 4.1 | 4.2 | 6.5 |
| 1979 | 5.4 | 4.0 | 4.4 | 5.0 |

TABLE 7

DISPOSITION OF CASES AT THE SUPREME COURT LEVEL BY ORDER OR OTHER MODE PRIOR TO FORMAL SUBMISSION TO THE COURT, 1979

| TYPE OF DISPOSITION | NUMBER OF DISPOSITIONS | |
|---|---|---|
| | CIVIL | CRIMINAL |
| Voluntary dismissal or withdrawal of appeal or other review by appellant | 200 | 49 |
| Dismissal by the clerk pursuant to Rule 19, R. App. P., for failure to cure default within 15 days after notice | 65 | 39 |
| Dismissal by court for failure to comply with Rules of Appellate Procedure | 46 | 9 |
| Dismissal by court for lack of jurisdiction | 18 | 0 |
| Dismissal by court of frivolous criminal appeal pursuant to Rule 104, Rules of Appellate Procedure | 0 | 44 |
| Denial of petition for permission to appeal an interlocutory ruling | 98 | 0 |
| Denial of petition for writ of certiorari | 37 | 10 |
| Denial of petition for discretionary review | 20 | 49 |
| Cases transferred to the Court of Appeals by order of the Supreme Court | 263 | 114 |
| Consolidations* | 11 | 9 |
| Other | 22 | 17 |
| Totals | 780 | 340 |
| TOTAL CIVIL AND CRIMINAL | 1,120 | |

*For purposes of this table, cases were classified as consolidated at the time an order granting consolidation was filed.

TABLE 8

NUMBER OF CIVIL, CRIMINAL, AND DISCIPLINARY
CASES DISPOSED OF BY OPINION OF THE SUPREME COURT
EN BANC AND BY DIVISION, 1977-1979

| | EN BANC | | | DIVISION | | | PERCENT EN BANC | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1977 | 1978 | 1979 | 1977 | 1978 | 1979 | 1977 | 1978 | 1979 |
| CIVIL | 21 | 57 | 45 | 231 | 188 | 157 | 8.3% | 23.3% | 22.3% |
| CRIMINAL | 12 | 18 | 10 | 106 | 85 | 71 | 10.2% | 17.5% | 12.3% |
| DISCIPLINARY | 4 | 9 | 7 | - | - | - | 100.0% | 100.0% | 100.0% |
| TOTAL | 37 | 84 | 62 | 337 | 273 | 228 | 9.9% | 23.5% | 21.4% |

TABLE 9

NUMBER OF CIVIL AND CRIMINAL CASES TRANSFERRED TO,
DISPOSED OF, AND PENDING BEFORE THE IOWA COURT OF APPEALS DURING 1979

| | TRANSFERRED | | | DISPOSED OF | | | PENDING | | |
|---|---|---|---|---|---|---|---|---|---|
| | CIVIL | CRIMINAL | TOTAL | CIVIL | CRIMINAL | TOTAL | CIVIL | CRIMINAL | TOTAL |
| January | 28 | 15 | 43 | 22 | 13 | 35 | 54 | 32 | 86 |
| February | 21 | 11 | 32 | 18 | 16 | 34 | 57 | 27 | 84 |
| March | 17 | 13 | 30 | 26 | 13 | 39 | 48 | 27 | 75 |
| April | 29 | 8 | 37 | 24 | 13 | 37 | 53 | 22 | 75 |
| May | 22 | 13 | 35 | 25 | 9 | 34 | 50 | 26 | 76 |
| June | 18 | 11 | 29 | 28 | 11 | 39 | 40 | 26 | 66 |
| July | 23 | 9 | 32 | 2* | - | 2 | 61 | 35 | 96 |
| August | 23 | 4 | 27 | 10 | 17 | 27 | 74 | 22 | 96 |
| September | 38 | 13 | 51 | 26 | 6 | 32 | 86 | 29 | 115 |
| October | 24 | 7 | 31 | 20 | 9 | 29 | 90 | 27 | 117 |
| November | 19 | 10 | 29 | 30 | 6 | 36 | 79 | 31 | 110 |
| December | 1 | - | 1 | 28* | 7 | 35 | 52 | 24 | 76 |
| TOTAL | 263 | 114 | 377 | 259 | 120 | 379 | | | |

In both July and December one civil case was disposed of by court order.

TABLE 10

NUMBER AND TYPES OF CASES DISPOSED OF BY OPINION - IOWA COURT OF APPEALS, 1977-1979

| TYPE OF CASE | NUMBER OF DISPOSITIONS 1977 | 1978 | 1979 |
|---|---|---|---|
| CIVIL | | | |
| Administrative Law | 15 | 21 | 13 |
| Contracts | 39 | 26 | 47 |
| Contested Child Custody | 23 | 50 | 35 |
| Domestic Relations not involving Child Custody | 58 | 68 | 76 |
| Postconviction Relief | 7 | 7 | 8 |
| Property | 40 | 40 | 21 |
| Taxation | 4 | 4 | 2 |
| Tort | 52 | 30 | 25 |
| Trust, estates, wills | 13 | 3 | 13 |
| Other | 6 | 17 | 17 |
| TOTAL CIVIL | 257 | 266 | 257 |
| CRIMINAL | | | |
| Guilty Plea Only | 5 | 11 | 11 |
| Sentencing Only | 2 | 5 | 9 |
| Guilty Plea and Sentencing Only | 2 | 1 | - |
| Other | 63 | 99 | 100 |
| TOTAL CRIMINAL | 72 | 116 | 120 |
| TOTAL | 329 | 382 | 377 |

TABLE 11

AVERAGE DELAY (IN MONTHS) FROM THE TIME A CASE IS READY FOR SUBMISSION TO OPINION - IOWA COURT OF APPEALS

| YEAR | TYPE OF CASE | | | |
|---|---|---|---|---|
| | CIVIL | PRIORITY CIVIL | CRIMINAL | TOTAL |
| 1977 | 16.1 | 4.6 | 4.6 | 12.5 |
| 1978 | 7.3 | 4.0 | 4.1 | 5.8 |
| 1979 | 5.2 | 4.2 | 4.6 | 4.9 |

## II. TRIAL COURT

### THE IOWA DISTRICT COURT

The unified trial court, known as the "Iowa District Court," became operative July 1, 1973. The district court has general and original jurisdiction of all actions and proceedings, including probate and juvenile matters. Its jurisdiction is exercised by district judges, district associate judges, and three types of judicial magistrates. The salary and travel expenses of all judges and magistrates are funded by the State.

The Unified Trial Court Act requires the clerk of the District Court to furnish each judicial magistrate, associate judge, or district judge acting as a judicial magistrate, a docket in which to enter all proceedings within their jurisdiction, except those required to be docketed with the clerk and assigned to judicial officers for disposition. The chief judge of a judicial district is authorized to order criminal proceedings, previously required to be entered in individual dockets, combined in a centralized docketed.

#### Part-time Judicial Magistrates

The Unified Trial Court Act created and allotted 191 part-time judicial magistrate positions to the 99 counties in the state, ranging from one to six per county. The original allotment remained in effect until June 30, 1975. Since that

date, the court administrator of the judicial department has apportioned magistrates among the counties.

A judicial magistrate appointing commission selects the magistrates to fill the positions allotted to the county. The person appointed must be an elector of the county and able to serve a full term of office before reaching the mandatory retirement age of seventy-two (72). Although a license to practice law is not required, the commission must first consider licensed attorneys. In counties allotted only one such position, the appointing commission is authorized to appoint an additional magistrate and divide the statutory salary. (Guthrie and Ida Counties exercised this option in 1979.) Part-time magistrates serve a two-year term of office. The apportionment made in 1979 appears in Appendix E.

As amended, the Unified Trial Court Act authorizes any county with an allotment of three or more magistrate positions to appoint a substitute full-time judicial magistrate to serve in lieu of three part-time ones. The substitution is made by order of the chief judge of the judicial district on the affirmative vote of a majority of the district judges in the judicial election district in which the county is located. Substitute full-time magistrates are nominated and appointed in the same manner as regular full-time judicial magistrates. They also have the same qualifications, rights, salary, duties, responsibilities, authority, and jurisdiction as regular

full-time magistrates. Substitute full-time magistrates have four-year terms. The current term of office for part-time and substitute full-time magistrates commenced July 1, 1979.

Jurisdiction

Part-time judicial magistrates have jurisdiction of the following:

1. Preliminary hearing cases. [Cases in which they act as committing magistrates on felonies and indictable misdemeanors. R.Cr.P. 2(4a), The Code, 1979.]

2. Nonindictable misdemeanors, including traffic and ordinance violations. [Criminal offenses in which the punishment does not exceed a fine of $100 or does not exceed imprisonment for 30 days.]

3. Search warrant proceedings.

4. Miscellaneous actions. [These include issuing a warrant directing a peace officer to appoint appraisers to fix the value of vessels, rafts, logs, and lumber which have been stopped or taken up and determining the ownership of other lost property (Chapter 644), and proceedings for hospitalization of mentally ill persons (Chapter 229).

The above proceedings are all required to be entered in the docket furnished to them by the clerk or in the centralized docket for the county, if one is ordered to be maintained

by the chief judge of the judicial district.

> 5. Small claims.
> [A small claim is a civil action (1) for a money judgment where the amount in controversy is $1,000 or less, exclusive of interest and costs, and (2) actions for forcible entry and detainer where no question of title to the property is involved.]

The Act requires the clerk of the district court to maintain the docket for small claims actions. If the action is one for money judgment and it is not disposed of by the clerk through entry of a confession of judgment, default judgment, or a voluntary dismissal, it must be assigned to a judicial officer having jurisdiction of such actions. This is done by delivering the original notice first filed with the clerk to the officer. If it is an action for forcible entry and detainer, the appearance is required before the judicial officer who must handle the entire proceeding, including an order for the issuance of a writ of eviction if the plaintiff prevails. Again, the assignment is perfected by the clerk delivering the original notice first filed and all papers in the case to the judicial officer.

The record of all actions taken by the judicial officer in either type of small claims proceeding, including notes of testimony and judgment entry, is made on the original notice to which exhibits, if any, are attached and returned to the clerk. It serves as a calendar sheet from which the

clerk makes proper entries in the small claims docket and on the lien index. Small claims actions are not entered in the docket furnished to judicial officers by the clerk or in the centralized docket used for criminal proceedings.

## Regular Full-time Judicial Magistrates

The original Act provided for 30 magistrates required to devote full time to their position. One to four positions were authorized to counties in four population categories ranging from 35,000 to over 200,000. The 25 municipal court judges holding office June 30, 1973, became district associate judges and satisfied the requirement of a regular full-time magistrate in the county of their residence. Upon the death, resignation, retirement, removal, or nonretention of a district associate judge, a full-time magistrate is appointed to fill the vacancy. Due to vacancies since 1973, as shown by the chart appearing on the following page, 15 counties had regular full-time magistrates by the end of 1979.

### Jurisdiction

Regular full-time magistrates have the same jurisdiction and docketing procedures as district associate judges (below).

## District Associate Judges

By January 1, 1974, the associate judge at Ames in Story County and one of the two at Council Bluffs, in Pottawattamie

| District | County | Regular Full-time Magistrates Required | Associate Judges In The County* | Regular Full-time Magistrates Appointed* |
|---|---|---|---|---|
| 1st | Black Hawk | 3 | 1 | 2 |
| | Dubuque | 2 | 1 | 1 |
| 2nd | Cerro Gordo | 1 | - | 1 |
| | Marshall | 1 | - | 1 |
| | Webster | 1 | - | 1 |
| | Story | 1 | - | 1 |
| 3rd | Woodbury | 2 | 1 | 1 |
| 4th | Pottawattamie | 2 | 1 | 1 |
| 5th | Jasper | 1 | - | 1 |
| | Polk | 4 | 2 | 2 |
| 6th | Johnson | 1 | - | 1 |
| | Linn | 3 | 2 | 1 |
| 7th | Clinton | 1 | - | 1 |
| | Muscatine | 1 | 1 | - |
| | Scott | 3 | 3 | - |
| 8th | Des Moines | 1 | 1 | - |
| | Lee | 1 | - | 1 |
| | Wapello | 1 | - | 1 |
| Statewide | 18 | 30 | 13 | 17 |

*In counties having only one associate judge or regular full-time magistrate, the county judicial magistrate appointing commission is authorized to appoint an alternate judicial magistrate to act in the temporary absence of the regular judicial officer. Such an alternate is paid on a per diem basis by the state for days of actual service rendered. Section 602.71, The Code.

County had resigned and had been replaced by a regular full-time magistrate. During 1974, the one at Ottumwa in Wapello County as well as one of the two at Waterloo in Black Hawk County resigned. Both were replaced by regular full-time magistrates. The one at Clinton in Clinton County was not retained in office at the judicial election in November. The death of an associate judge in Woodbury County and the resignation of one in Polk County resulted in the appointment of two additional full-time magistrates in 1975. The resignation of a district associate judge in Dubuque and Polk (1976) and Black Hawk (1978) reduced the number of associate judges to 15. In November, 1978, two district associate judges were not retained in office at the general election; consequently, there were 13 district associate judges and 17 regular full-time magistrates January 2, 1979.

Jurisdiction

Associate judges have the same jurisdiction as part-time magistrates and must follow the same docketing procedures in such matters. In addition, they have jurisdiction of:

1. Civil actions for money judgments where the amount in controversy does not exceed $3,000,

2. Indictable misdemeanors, and

3. Juvenile cases when designated as a judge of the juvenile court by the chief judge of the judicial district.

While exercising such additional jurisdiction, they are not

only required to employ district judges' practice and procedure, but, as the cases are docketed with the clerk of the district court, they must be assigned and delivered to the judge with a calendar sheet on which to report the disposition of the case.

Trial by Jury and Appeal Provisions

A defendant charged with a nonindictable or simple misdemeanor is entitled to a trial by a six-member jury if he files a written jury demand at least ten days before the time set for trial. Failure to make such demand constitutes a waiver of jury. The plaintiff may appeal only upon a finding of invalidity or an ordinance or statute and the defendant only upon a judgment of conviction. If the original action was tried by a part-time magistrate, the district judge shall try the case anew; a case tried by a district associate judge, a regular or substitute full-time magistrate or a district judge acting as a magistrate is appealed to a district judge on the record. Either party may appeal from the judgment of the district judge to the Supreme Court in the same manner as from a judgment in a prosecution by indictment.

A small claims action is tried before the judicial officer to whom it is assigned without the right to a jury. Eitner party may appeal to a district court judge who is required to hear the matter on the record. If it appears the trial record is incomplete, the district court judge may take additional testimony and evidence. The right of either party to appeal from the judgment of the district judge is entirely within the discretionary power of the Supreme Court.

## District Court Judges

During 1979, there were 92 district court judges in Iowa. Under the judgeship formula computed in March, 1979, 101 judgeships were authorized. However, due to the provisions of Section 3, Chapter 18, 67th G.A., 1977 Session, limiting the maximum number of judgeships to 92, the judgeship vacancies could not be filled. The latest computation of the judgeship formula (February, 1980) authorized a total of 107 judgeships. The statutory formula and a copy of the application of the formula in 1979 and 1980 appear at the end of this part of the report.

### Jurisdiction

District judges possess the full jurisdiction of the trial court, including the jurisdiction of judicial magistrates. While exercising the latter, they are required to employ the practice and procedure for judicial magistrates. Under the Iowa probate code they are the only judges sitting in probate.

### Population per Judge

With 92 judges serving in the eight judicial districts during 1979, the population spread per judge ranged from 26,660 in the 5th to 35,670 in the 3rd District. [Appendix C.]

### Judicial Election Districts

For purposes of administration and ordinary judicial functions the state is divided into eight judicial districts

as shown on the map appearing as Appendix D, and into 13 judicial election districts for purposes stated in the footnote to the map appearing on page 46.

## Senior Judges

Effective July 1, 1979, the Sixty-eighth General Assembly established a senior judge program whereby retired Supreme Court justices, Court of Appeals judges, district court judges, and district associate judges who qualify agree to work for up to 13 weeks per year until age 78. The Supreme Court may not assign a senior judge judicial duties on a court superior to the highest court to which he or she was appointed prior to retirement. A senior judge may not be assigned to the Court of Appeals or the Supreme Court except to serve in the temporary absence of a member of that court. A senior judge may not practice law.

While serving on temporary assignment, a senior judge is paid no salary but continues to receive a judicial retirement annuity. The senior judge program provides a hedge against inflation by mandating an increase in judicial annuity whenever the current salary of active judges is raised. There is no provision for an increase in judicial annuity for judges who do not participate in the senior judge system.

In 1979, two Supreme Court justices - M. L. Mason and C. Edwin Moore - and one district court judge - James E. Hughes - took senior judge status. In this report, the work of these judges is combined with the caseload of district court judges.

## Clerk of District Court

The clerk's office in the 99 counties performed two important functions during 1979 which reduced the workload of the judicial officers in each county. These were:

1. Kept the small claims docket and, through the entry of confessions of judgment, default judgments and voluntary dismissals in actions for a money judgment, avoided the necessity of assigning many such cases to judicial officers. [Table 6(b).]

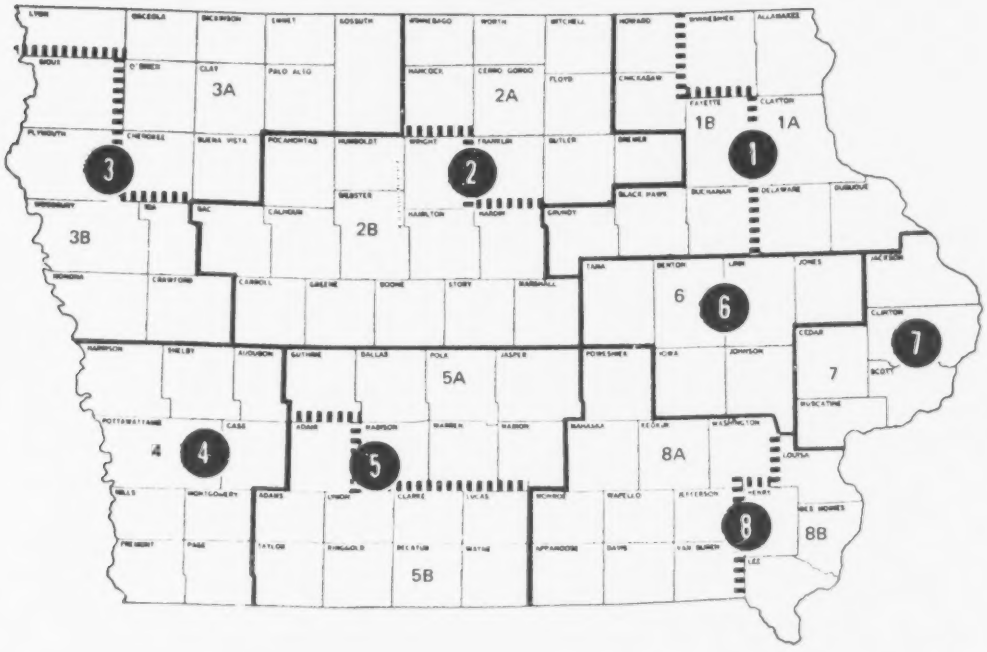
2. Maintained a traffic violations office where scheduled violations were admitted and disposed of upon payment of the minimum fine and costs before the time specified for appearance before the court on a uniform citation and complaint issued to the alleged violator. [Table 13.]

## Judgeship Formula

The subsections of Section 602.18, Code 1979, relating to the determination of the number of judges in each of the 13 judicial election districts and the matter of filling judgeship vacancies, are as follows:

1. Subject to the provision for temporary assignment of judges, as set out in subsection 9, hereof, each district judge in office on July 1, 1967 shall continue to serve in the district of his domicile so long as he remains a district judge, regardless of the number of judgeships to which the district is entitled under subsection 2 hereof.

## Iowa's 8 Judicial Districts and 13 Judicial Election Districts




*Judicial election districts are for the purposes of nomination, appointment, and election of district judges, the application of the judgeship formula, the removal of judicial magistrates, and the appointment of substitute and regular full-time judicial magistrates.

2. The number of judgeships to which each of the judicial election districts shall be entitled shall be determined from time to time according to the following formula:

a. In an election district wherein the largest county contains two hundred thousand or more population, there shall be one judgeship per seven hundred twenty-five combined civil and criminal filings or major fraction thereof; provided, the seat of government shall be entitled to one additional judgeship.

b. In an election district wherein the largest county contains eighty-five thousand or more population, but less than two hundred thousand, there shall be one judgeship per six hundred twenty-five combined filings or major fraction thereof;

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c. In an election district wherein the largest county contains forty-five thousand or more population, but less than eighty-five thousand, there shall be one judgeship per five hundred twenty-five combined civil and criminal filings or major fraction thereof.

d. In an election district wherein the largest county contains less than forty-five thousand population, there shall be one judgeship per four hundred seventy-five combined civil and criminal filings or major fraction thereof.

e. Notwithstanding paragraphs a, b, c, or d of this subsection, each election district shall be entitled to not less than one judgeship for each forty thousand population or major fraction thereof contained in the election district. The court administrator shall determine both the number of judgeships for each election district based upon this paragraph, and the number of judgeships for each election district based upon paragraph a, b, c, or d of this subsection. If the number for any election district determined under this paragraph exceeds the number determined under paragraph a, b, c, or d, that election district shall be entitled to the number of judgeships determined under this paragraph.

f. The filings included in the determinations to be made under this subsection shall not include small claims or nonindictable misdemeanors filed after June 30, 1973, nor shall they include either civil actions for money judgment where the amount in controversy does not exceed three thousand dollars or indictable misdemeanors, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but they shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

3. A vacancy, for purposes of this section, is defined as the death, resignation, retirement, removal, or failure of retention in office at the judicial election, of a judge or increase in judgeships under this section.

4. In those districts having more judges than the number of judgeships specified by the formula set out in subsection 2 hereof, vacancies shall not be filled.

5. In those districts having fewer judges or the same number of judges as the number of judgeships specified by the formula set out in subsection 2 hereof, vacancies in the number of judges shall be filled as they occur.

6. In those judicial districts that contain judicial election districts, no vacancy in any judicial election district shall be filled if the total number of judges in all the judicial election districts within the judicial district equals or exceeds the number of judgeships to which all of the judicial election districts of the judicial district combined are authorized.

7. Vacancies shall not be filled in any district which may become entitled to fewer judgeships under subsection two (2) of this section; but no incumbent judge shall ever be removed from office by reason thereof.

8. During February of each year, and at such other times as may be appropriate, the supreme court administrator shall make the determinations required under this section, and shall notify the nominating commissions involved and the governor of any appointments that may be required as a result thereof.

9. It shall be the duty of the chief justice to assign judges and other court personnel from one judicial district to another, on a continuing basis, if need be, in order to provide a sufficient number of judges to handle the judicial business in all districts promptly and efficiently at all times.

AMENDED



APPLICATION OF THE JUDGESHIP FORMULA UNDER
SUBSECTION 2, SECTION 602.18, CODE 1977

Based on (1) 3-year Average Combined Filings (1976-77-78, with exclusions listed in Section 602.18, Subsection 2) divided by the factor opposite the classification of the population of the largest county in the Election District as appears in footnotes a,b,c, and d, or (2) one judge for each 40,000 or major fraction of population of entire Election District, whichever results in the largest number of judges.

| Judicial Election District | Number Based on (1) Above | Number Based on (2) Above | Formula Judgeships* | Resident Judges |
|---|---|---|---|---|
| 1A[b] | 2,212<br>(3.54) | 173,800<br>(4.35) | 4 | 4 |
| 1B[b] | 4,905<br>(7.85) | 225,600<br>(5.64) | 8 | 8 |
| 2A[c] | 3,363<br>(6.41) | 170,900<br>(4.27) | 6 | 5 |
| 2B[c] | 5,969<br>(11.37) | 329,100<br>(8.23) | 11 | 10 |
| 3A[d] | 2,666<br>(5.61) | 157,900<br>(3.95) | 6 | 5 |
| 3B[b] | 3,553<br>(5.68) | 196,400<br>(4.91) | 6 | 5 |
| 4[b] | 4,014<br>(6.42) | 197,700<br>(4.94) | 6 | 6 |
| 5A[a] | 12,378<br>(17.07) | 449,400<br>(11.24) | 18[e] | 17[e] |
| 5B[d] | 1,594<br>(3.36) | 78,000<br>(1.95) | 3 | 3 |
| 6[b] | 6,940<br>(11.10) | 323,500<br>(8.09) | 11 | 10 |
| 7[b] | 6,018<br>(9.63) | 290,600<br>(7.27) | 10 | 9 |
| 8A[d] | 3,208<br>(6.75) | 170,100<br>(4.25) | 7 | 6 |
| 8B[c] | 2,522<br>(4.80) | 115,900<br>(2.90) | 5 | 4 |
| State Totals | 59,342 | 2,878,900 | 101 | 92 |

a. 200,000 or more population - one judgeship per 725 filings or major fraction.
b. 85,000 - 199,999 population - one judgeship per 625 filings or major fraction.
c. 45,000 - 84,999 population - one judgeship per 525 filings or major fraction.
d. 0 - 44,999 population - one judgeship per 475 filings or major fraction.
e. The seat of state government is entitled to one additional judgeship under the formula.

*Although the 1979 computation of the judgeship formula created nine (9) vacancies, the provisions of Section 3, Chapter 18, 67th G.A., 1977 Session, limiting the maximum number of judgeships to 92, prohibit the vacancies from being filled.

Prepared March 26, 1979, by: Court Administrator's Office
State House
Des Moines, IA 50319

## APPLICATION OF THE JUDGESHIP FORMULA UNDER SUBSECTION 2, SECTION 602.18, CODE 1979

Based on (1) 3-year Average Combined Filings (1977-78-79, with exclusions listed in Section 602.18, Subsection 2. divided by the factor opposite the classification of the population of the largest county in the Election District as appears in footnotes a, b, c, and d, or (2) one judge for each 40,000 or major fraction of population of entire Election District, whichever results in the largest number of judges.

| Judicial Election District | Number Based on (1) Above | Number Based on (2) Above | Formula Judgeships* | Resident Judges |
|---|---|---|---|---|
| 1A[b] | 2,440<br>(3.90) | 170,500<br>(4.26) | 4 | 4 |
| 1B[b] | 4,944<br>(7.91) | 228,200<br>(5.71) | 8 | 8 |
| 2A[c] | 3,478<br>(6.62) | 172,400<br>(4.31) | 7 | 5 |
| 2B[c] | 6,373<br>(12.14) | 329,100<br>(8.23) | 12 | 10 |
| 3A[d] | 2,988<br>(6.29) | 159,700<br>(3.99) | 6 | 5 |
| 3B[b] | 3,798<br>(6.08) | 197,000<br>(4.93) | 6 | 5 |
| 4[b] | 4,446<br>(7.11) | 198,100<br>(4.95) | 7 | 6 |
| 5A[a] | 12,608<br>(17.39) | 452,900<br>(11.32) | 18[e] | 17[e] |
| 5B[d] | 1,677<br>(3.53) | 80,300<br>(2.01) | 4 | 3 |
| 6[b] | 7,338<br>(11.74) | 323,400<br>(8.09) | 12 | 10 |
| 7[b] | 6,596<br>(10.55) | 294,200<br>(7.36) | 11 | 9 |
| 8A[d] | 3,375<br>(7.11) | 171,900<br>(4.30) | 7 | 6 |
| 8B[c] | 2,825<br>(5,38) | 118,000<br>(2.95) | 5 | 4 |
| State Totals | 62,886 | 2,895,700 | 107 | 92 |

a. 200,000 or more population - one judgeship per 725 filings or major fraction.
b. 85,000 - 199,999 population - one judgeship per 625 filings or major fraction.
c. 45,000 - 84,999 population - one judgeship per 525 filings or major fraction.
d. 0 - 44,999 population - one judgeship per 475 filings or major fraction.
e. The seat of state government is entitled to one additional judgeship under the formula.

*Although the 1980 computation of the judgeship formula created fifteen (15) vacancies the provisions of Section 3, Chapter 18, 67th G.A., 1977 Session, limiting the maximum number of judgeships to 92, prohibit the vacancies from being filled.

Prepared February 6, 1980, by: Court Administrator's Office
State House
Des Moines, IA 50319

## ANALYSIS OF STATISTICS

### Regular Civil and Criminal Cases

For the purpose of the following discussion, regular civil cases include all law, equity, and special proceedings docketed in the office of the clerk except in the small claims docket. An appeal from a decision of a judicial magistrate or an associate judge in a small claims action is included when docketed by the clerk.

Regular criminal cases include all felony and indictable misdemeanors (serious and aggravated). A felony is a public offense which is, or in the discretion of the court may be, punished by imprisonment in the state penitentiary, men's reformatory, or women's reformatory. An indictable misdemeanor is a public offense, less than a felony, in which the punishment exceeds a fine of $100 or exceeds 30 days imprisonment in the county jail. An appeal from a decision or verdict in a nonindictable or simple misdemeanor case becomes a regular criminal case when docketed by the clerk as a regular criminal action.

82,057 regular civil and criminal cases were docketed in the clerks' offices during 1979. This was a 10.1 percent increase over the 74,540 civil and criminal cases docketed in 1978, and a 23.8 percent increase over the 66,261 cases docketed in 1976 - the last year statistics before the legislative freeze on the number of district court judgeships as discussed in the previous section. A comparison of cases docketed during 1978

and 1979 reveals that while civil filings increased 9.5 percent (46,598 to 51,031), criminal filings rose 11.0 percent (27,942 to 31,026).

A number of regular civil cases and indictable misdemeanors filed in district court were assigned to district associate judges, full-time and substitute full-time magistrates for disposition. The three types of judicial officers mentioned above will hereafter be referred to as "other judges." The total number of regular civil and indictable criminal dispositions by district judges and other judges amounted to 77,787 - an increase of 11.2 percent over the 69,970 cases disposed of in 1978. Despite the increase in dispositions, there were 4,270 more cases pending December 31, 1979 than on January 1 of that year; the number of pending cases increased in every judicial district. [Tables 1, 2(a) and 3(a).]

District Judges' Activity

During 1979, district court judges disposed of 47,754 regular civil cases: 463 or 1.0 percent by trial to jury, 5,723 or 12.0 percent by trial to court, and 41,568 or 87.0 percent without trial. The number of civil dispositions per judge ranged from 447 in the 2nd to 670 in the 4th District. Statewide, the number of civil dispositions per district court judge increased from 455 in 1978 to 519 in 1979. [Tables 2(a), (b), and (d).]

During the year, district judges disposed of 15,098 regular criminal cases: 611 or 4.1 percent by trial to jury, 1,151 or 7.6 percent by trial to court, and 13,336 or 88.3 percent

without trial. The number of criminal dispositions per judge ranged from 133 in the 8th to 192 in the 2nd District. Statewide the number of criminal dispositions per district court judge increased from 158 in 1978 to 164 in 1979. [Tables 3(a), (b), and (d).]

The average number of civil and criminal cases disposed of per judge by district, with the rank of each district, is shown in Table 7. The 4th District recorded the highest number of civil/criminal dispositions per judge (835) while the 8th District had the lowest number of dispositions per judge (612).

Other Judges' Activity

There were 412 regular civil cases assigned to district associate judges, full-time, and substitute full-time magistrates during 1979 - a decrease of 118 cases from 1978. During 1979, the judges of limited jurisdiction disposed of 422 regular civil cases, 6 or 1.4 percent by trial to jury, 136 or 32.2 percent by trial to court, and 280 or 66.4 percent without trial. On a per judge basis, dispositions ranged from 0 in the 6th to 180 in the 3rd District. [Tables 2(a), (c), and (d).]

During 1979, 14,460 regular criminal cases (indictable misdemeanors and simple misdemeanors on appeal) were assigned to all other judges as compared to 12,869 assigned to associate judges, full-time and substitute full-time magistrates during 1978 and 10,936 in 1977. Of the 14,513 criminal cases disposed of by other judges in 1979, 225 or 1.5 percent were resolved

by trial to jury, 158 or 1.1 percent by trial to court, and 14,130 or 97.4 percent without trial. On a per judge basis, dispositions ranged from 209 in the 8th to 677 in the 4th District. [Tables 3(a), (c), and (d).]

Pending Regular Civil and Criminal Cases

Of the 48,196 regular civil cases pending at the end of the year, 19,165 or 40 percent were over one year old. [Tables 2(a) and 4.] Those pending in the 7th, 3rd, 2nd, and 1st Districts exceeded the state average; the 6th and 8th Districts had the lowest percentage of civil cases over one year old. As indicated in Appendix A, the proportion of pending civil cases over one year old ranged from 31 percent in the 6th to 52 percent in the 7th District.

Of the 13,517 regular criminal cases pending at the end of the year, 3,842 or 28 percent were over one year old. [Tables 3(a) and 4.] Those pending in the 7th, 3rd, 6th and 2nd Districts exceeded the state average; the 4th and 5th Districts had the lowest percentage of criminal cases over a year old. The number and percent of pending regular criminal cases in each district over one year old appear in Appendix B. Overall, the percentage of criminal cases over one year old increased by 3 percent while the number of civil cases over that age remained constant since 1978.

Probate Matters

The district judges exercise the probate jurisdiction of the unified trial court. There were 798 trusteeships opened

in 1978 - down 11.4 percent from the previous year. The number of trusteeships opened ranged from 34 in the 7th to 207 in the 5th District. During 1979, 3,197 guardianships and conservatorships were opened - down 722 from the 1978 figures - ranging from 90 in the 5th to 727 in the 2nd District. 19,484 decedent estates were opened in 1979 - an increase of 86 or 0.4 percent. The number of estates opened varied from 1,227 in the 7th to 3,847 in the 5th District. Statewide, there were five jury trials and 252 trials to court in contested probate matters. [Table 5(a).] Table 7 indicates the number of probate matters opened and closed per judge in each district during 1978.

Age of Decedents' Estates at Time of Closing

During 1979, of the 17,239 estates closed, 53 percent were closed within one year, 36 percent from 1-3 years, and 11 percent after three years. The respective percentages for the 17,136 estates closed in 1978 were 50 percent, 39 percent, and 11 percent. In 1979, 63 percent of the estates were settled within one year in the 5th District; in the 6th District only 41 percent of the estates were closed within a year. [Tables 5(b).] The number of decedents' estates closed during 1979 was 2,245 less than the number of new estates opened. In 1978, there were 2,262 more estates opened than closed. [Tables 5(a) and (b).]

## Juvenile Matters

Juvenile matters are heard by district judges and those associate judges and full-time judicial magistrates designated

by the chief judge of the judicial district to act as a judge of the juvenile court. There were 5,227 juvenile petitions filed in the district court clerks' offices during 1979 - 952 fewer petitions than filed in 1978. 3,276 juvenile petitions were assigned to designated associate judges and full-time magistrates for dispositions; 1,960 were retained for district judges. (In 1978, 2,782 juvenile cases were retained for district judges.) During 1979, 1,456 formal hearings were held by district judges, 2,373 by referees, and 4,949 by the designated associate judges and full-time magistrates. [Table 6(a).] The workload statistics of the three types of judicial officers in 1978 were 1,681, 2,119, and 4,234, respectively. Trend data indicate the number of juvenile hearings by district court judges has decreased in recent years while the number of formal hearings by referees and other judges has increased. For the number of associate judges and full-time magistrates designated as juvenile court judges during 1979, and the counties served by them in each judicial district, see Table 10.

For statistical purposes, termination of parental rights cases were separated from regular juvenile matters involving delinquent children and minors in need of assistance. As indicated in Table 6(b), there were 948 petitions for termination of parental rights filed in the district court during 1978 - an increase of one case since 1978. The largest number of termination cases (159) were docketed in the 2nd District; the fewest petitions (54) were filed in the 4th District. There were 1,087 formal hearings held on these matters - up 177 or 19.5 percent from

1978. There were 366 hearings by district court judges, 325 by referees, and 396 by other judges.

General Activity of District Associate Judges, Regular and Substitute Full-time Judicial Magistrates

Other than regular civil and criminal cases and juvenile cases assigned to designated judges which have already been discussed, a total of 171,566 cases were docketed or assigned and 173,227 cases were disposed of by the 39 associate judges and full-time magistrates during 1979. There were 66,139 cases pending at the end of the year. [Because the output of substitute full-time magistrates was not included in the disposition figures of "other judges" in 1978 but instead were included in the case statistics of part-time judicial magistrates, no attempt is made to compare the caseload data in this section.] The number of cases docketed and assigned ranged from 5,123 in the 8th to 60,770 in the 5th District. Cases pending at the end of the year per judge varied from 139 in the 8th to 5,989 in the 5th District. The number of each type of case pending January 1, 1979 appears in Tables 9(a) through 9(e).

As committing magistrates for indictable offenses, district associate judges, regular and substitute full-time magistrates carried over 2,593 preliminary hearing cases from 1978. During the year, they docketed 12,326 preliminary hearings cases, disposed of 239 such cases by formal hearing, and 12,788 without hearing, and left 1,892 pending at the end of the year. The 6th District with five judges had the most such cases docketed

and disposed of in 1979. [Table 9(a).]

There were 16,018 nonindictable state cases carried over from 1978. During 1979, 68,457 were docketed as compared to 61,438 in 1978 - an increase of 11.4 percent. Of the cases pending January 1, and docketed during 1979, the judges disposed of 107 or 0.1 percent by trial to jury, 4,229 or 6.1 percent by trial to court and 65,103 or 93.8 percent without trial. The number of simple misdemeanors pending at the end of 1979 (15,036) was 982 less than the number pending at the beginning of the year. During 1979, the 5th District had the largest number of nonindictable state cases docketed, disposed of, and pending at the end of the year. [Table 9(b).]

Some 48,352 ordinance cases were carried over from 1978. During 1979, 75,919 were docketed and 75,846 cases were disposed of: 45 or 0.1 percent by trial to jury, 4,194 or 5.5 percent by trial to court, and 71,607 or 94.4 percent without trial. [Table 9(c).]

During 1979, other judges entertained 685 search warrant applications and conducted 607 seized property hearings. Approximately 60 percent of the applications for search warrants occurred in the 1st and 2nd Districts; 60 percent of seized property hearing occurred in the 1st and 3rd Districts. There were 129 miscellaneous actions (mostly emergency hospitalization hearings) docketed by regular and substitute full-time magistrates and associate judges. [Table 9(d).]

The 39 judges of limited jurisdiction carried over 837 small claims actions from 1978; 13,443 small claims were assigned to them by the clerks during 1979. The judges disposed of 5,781 or 42.8 percent by trial to the court and 7,713 or 57.2 percent without trial, leaving 786 assigned but not disposed of as of December 31, 1979. [Table 9(e).] Other judges disposed of 13,494 small claims actions; part-time judicial magistrates and district judges acting as magistrates handled 12,013 small claims. Some 55,865 small claims were disposed of in the clerks' offices without judicial assistance - an increase of 9,612 cases over 1978 figures. [Tables 6(b), 9(e), and 12(e).]

## Part-time Magistrates

In 1979, 170,523 cases, within the jurisdiction of part-time magistrates, were docketed or assigned to the 166 part-time magistrates and district court judges acting as magistrates. As the judicial business of substitute full-time magistrates was included in the disposition figures of full-time magistrates and associate judges (Table 9), no attempt is made to compare the 1979 statistics with those of previous years when the workload data of substitute full-time magistrates was integrated with the output of part-time magistrates. While the legislature initially created 191 magistrate positions, as of July 1, 1979, two one-magistrate counties - Guthrie and Ida - took the option authorized in Section 602.58, The Code,

and appointed two magistrates to split the work and divide the salary, and seven counties - Dickinson, Linn, Pottawattamie, Polk (2), Story, Des Moines, Woodbury, and Warren - took advantage of the provisions of 602.59 and substituted one full-time magistrate for three part-time magistrates.

Table 11 shows that 173,173 cases were disposed of and 13,836 cases were still pending at the end of 1979. The number of cases disposed of per part-time magistrate varied from 768 (3rd District) to 1,534 (1st District). Nearly 2/5's of the dispositions and about half of the pending cases were found in the 1st and 2nd Districts. For comparative purposes, it should be noted that the eight judicial districts vary in population and number of part-time magistrates from 198,100 to 533,200 and 13 to 34, respectively. The population per district and the 1979 allotment of part-time magistrates by county are found in Appendicies D and E, respectively.

Over 85 percent of the preliminary hearing cases were docketed in the 1st, 2nd, 3rd, 5th, and 8th Districts. The largest number of preliminary hearing filings and dispositions were found in the 2nd District. Overall, only 11.5 percent of the 10,821 preliminary hearing dispositions required a formal hearing. Magistrates in the 7th District had the lowest number of preliminary hearing cases. [Table 12(a).]

As indicated in Table 12(b), 92,236 nonindictable state cases were docketed before part-time judicial magistrates. The magistrates disposed of 92,727 cases: 208 by trial to jury, 7,890 by trial to court, and 84,629 without trial. The

8th District had the most jury trials (57) while the 4th District reported the least (9). There were 20,285 nonindictable cases docketed in the 2nd District; only 7,348 were docketed in the 7th District. Over half of the pending cases were found in the 1st, 2nd, and 5th Districts.

Statistics on nonindictable ordinance cases suggest that 54,792 cases were docketed, 56,261 were disposed, and 5,282 were still pending on December 31, 1979. Ninety-two percent of the nonindictable ordinance cases were disposed of without a contested trial to a judge or jury. Magistrates in the 1st District handled 19,915 ordinance cases while those in the 5th District disposed of only 3,107. [Table 12(c).] Over one-third of the filings and half of the pending cases were within the 1st District. Nearly 3/4's of the nonindictable state and ordinance violations involved traffic matters.

Part-time magistrates entertained 578 applications for search warrants, conducted 351 seized property hearings and handled 422 miscellaneous actions (including emergency hospitalization proceedings) during 1979. Approximately 45 percent of the search warrant applications were in the 2nd and 5th Districts; 60 percent of the miscellaneous actions were handled in the 1st and 7th Districts. The highest number of seized property hearings were conducted in the 1st, 2nd, and 3rd Districts.

As shown on Table 12(e), the part-time magistrates disposed of 12,013 small claims cases. Over 65 percent (7,828) of the small claims were tried before the court; the remaining

4,185 cases were disposed of without a trial. The 5th District had by far the largest number of small claims assigned to magistrates, 1,040; the 7th District had the most cases tried to court (1,631) and pending (117) before part-time magistrates at the end of the year.

## Judges and Magistrates of Limited Jurisdiction - Summary of Statistics

In summary, the 166 part-time magistrates, the nine substitute full-time magistrates, the 17 regular full-time magistrates, the 13 district associate judges, and the district court judges acting as magistrates, disposed of 23,848 preliminary hearing cases, 162,166 nonindictable (simple misdemeanor) state criminal cases, 132,107 nonindictable (simple misdemeanor) ordinance cases, 1,263 search warrant applications, 958 seized property hearings, 551 miscellaneous actions, and 25,507 small claims for a total caseload disposition of 346,400. The above figures represent an increase of 2,910 dispositions over the previous year. The number of simple misdemeanors handled by judicial officers of limited jurisdiction rose by 4,116 while the number of small claims dispositions increased by 1,790. Moreover, the number of search warrant applications, seized property hearings, and miscellaneous actions disposed of climbed by 404, 576, and 519; respectively. Conversely, the number of preliminary hearing cases decreased by 3,737.

## District Court Clerks

The 99 clerks of the district court played an important role not only in recordkeeping but in the handling of small claims (dismissals and defaults) and scheduled violations. As noted above, under the new Unified Trial Court Act, district court clerks are authorized to docket and assign small claims, enter dismissals and defaults. Cases involving forcible entry and detainer must be handled by a judge.

District court clerks are also responsible for handling scheduled violations in which the defendant mails-in or delivers his admission, scheduled fine, and $5.00 costs to the clerk's traffic violations office before the time specified on the citation and complaint for court appearance. In addition, clerks are the custodians of collection boxes used at weigh stations for the deposit of fines and costs in cases involving weight and other nonmoving scheduled violations of commercial carriers.

Table 6(c) shows that more small claims were disposed of by clerks (55,865) than judges (25,507). While clerks in the 3rd District took care of 76.7 percent of the small claims disposed of, in the 5th District they handled 62.9 percent of the small claims dispositions. Overall, 68.7 percent of the small claims were disposed of by district court clerks.

As noted in Table 13, the district court clerks disposed of 462,224 scheduled violations without the attention or assistance of any judicial officer. The district court clerks

of the 99 counties disposed of an average of 4,669 scheduled violations in 1979. The number of scheduled violations ranged from 182 in Ringgold County to 101,515 in Polk County. When added to their small claims dispositions, the judicial activity of the clerks totaled 518,089 cases or 63,765 more cases than handled by all judicial officers in Iowa in 1979.

Trial Court Statistics - A General Summary

There were 51,031 regular civil (over $1,000) and 31,026 regular criminal (indictable misdemeanors and felonies) cases filed in the district court during 1979 - an increase of 9.5 and a decline of 11.0 percent over corresponding 1978 figures. Parenthetically, civil dispositions increased by 13.6 (42,392 to 48,176) while criminal dispositions rose 7.4 percent (27,578 to 29,611). There were 469 jury trials and 5,859 court trials of civil cases; in criminal matters the number of jury and court trials were 836 and 1,309, respectively. 86.9 percent of the civil cases and 92.8 percent of the criminal cases were disposed of without trial. There were 48,106 civil cases pending at the end of 1979 compared with 45,341 on January 1. The number of pending criminal cases increased from 12,102 to 13,517. Only the 4th district had fewer civil cases pending at the end than at the beginning of the year; no district was able to reduce its criminal backlog during 1979. Of the cases pending statewide, 40 percent of the civil cases and 28 percent of the criminal cases were over one year old. District court judges in the 4th District had the highest rate of dispositions per judge in regular civil and criminal

cases (835); in the 8th District the average number of dispositions was 612.

Probate matters overall showed a slight decrease during 1979 with 798 trusteeships opened, 3,197 guardianships and conservatorships opened and 19,484 estates opened. Corresponding figures for 1978 were 901, 3,919, and 19,398, respectively. The number of estates closed increased from 17,136 to 17,239; the percentage closed within a one-year period increased from 50 to 53 percent since 1978.

While the number of juvenile petitions filed decreased 15.4 percent from 6,179 (1978) to 5,227 (1979) the number of formal juvenile hearings increased 6.1 percent from 8,034 to 8,528. Over 4/5's of the juvenile hearings were conducted by judicial officers of limited jurisdiction - district associate judges, full-time magistrates, and referees. In addition to the regular juvenile cases, there were 948 petitions and 1,091 formal hearings involving termination of parental rights; there were 947 and 910 such matters the previous year.

The average district court judge held 20 juvenile hearings, closed 224 probate matters, disposed of 683 regular civil/criminal cases, and tried 86 contested civil/criminal cases during 1979.

There were 294,273 nonindictable state and ordinance cases disposed of in 1979 - down 1.4 percent from the number (298,389) handled in 1978. Only 7.1 percent of these cases

were disposed of by contested trial. The trial courts disposed of 23,848 preliminary hearing cases, entertained 1,263 applications for search warrants, conducted 958 seized property hearings, and handled 551 miscellaneous actions. Judicial dispositions of small claims actions increased 7.5 percent - 23,717 to 25,507 - from 1978 to 1979 while the number of small claims actions disposed of by clerks rose 20.8 percent - 46,261 to 55,865. Scheduled violations handled by clerks in 1979 decreased 3.1 percent - 476,955 to 462,224 from 1978 figures.

TABLE 1

CIVIL AND CRIMINAL CASES DOCKETED, DISPOSED OF, AND PENDING IN 1979 WITH TOTALS COMPARED TO THOSE OF 1978[a]
(Hereafter referred to as Regular Civil and Criminal Cases)

| DISTRICT[b] | PENDING JANUARY 1 | DOCKETED BY CLERK | DISPOSED OF | PENDING DECEMBER 31 | CHANGE IN PENDING |
|---|---|---|---|---|---|
| 1 | 6,883 | 9,395 | 9,379 | 6,899 | +16 |
| 2 | 8,225 | 11,847 | 11,101 | 8,971 | +746 |
| 3 | 7,015 | 8,575 | 8,420 | 7,170 | +155 |
| 4 | 3,684 | 6,807 | 6,703 | 3,788 | +104 |
| 5 | 13,255 | 16,993 | 15,583 | 14,665 | +1,410 |
| 6 | 5,500 | 10,389 | 9,635 | 6,254 | +754 |
| 7 | 8,059 | 10,173 | 9,838 | 8,394 | +335 |
| 8 | 4,822 | 7,878 | 7,128 | 5,572 | +750 |
| 1979 Statewide | 57,443[c] | 82,057 | 77,787 | 61,713 | +4,270 |
| 1978 Statewide | 52,776 | 74,540 | 69,970 | 57,346 | +4,570 |

a. Includes indictable misdemeanors and actions for money judgments other than small claims, where the amount in controversy does not exceed $3,000, which were assigned to associate judges, regular and substitute full-time judicial magistrates. In 1979, there were 17 regular full-time magistrates, 13 district associate judges and 9 substitute full-time magistrates serving in the Iowa district court. For statistical purposes, the six-month service of the substitute full-time magistrate in Mahaska and Pottawattamie Counties was considered the equivalent of one full position.
b. See map showing districts and 1978 population, Appendix D.
c. This figure differs from that of December 31, 1978 due to inventory corrections.

TABLE 2

(a) REGULAR CIVIL CASES

ACTIVITY DURING 1979 WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | PENDING JANUARY 1 | DOCKETED | OTHER JUDGES[a] ASSIGNED TO | OTHER JUDGES[a] DISPOSED BY | DISPOSED OF BY DISTRICT JUDGES | TOTAL DISPOSITIONS | PENDING DECEMBER 31 |
|---|---|---|---|---|---|---|---|
| 1 | 5,728 | 5,963 | 112 | 97 | 5,813 | 5,910 | 5,781 |
| 2 | 6,433 | 7,398 | 21 | 28 | 6,699 | 6,727 | 7,104 |
| 3 | 5,313 | 5,347 | 179 | 180 | 5,043 | 5,223 | 5,437 |
| 4 | 3,184 | 3,958 | 3 | 3 | 4,019 | 4,022 | 3,120 |
| 5 | 10,602 | 11,265 | 5 | 5 | 10,396 | 10,401 | 11,466 |
| 6 | 4,034 | 5,629 | - | - | 5,165 | 5,165 | 4,498 |
| 7 | 6,205 | 6,180 | 44 | 42 | 5,824 | 5,866 | 6,519 |
| 8 | 3,842 | 5,291 | 48 | 67 | 4,795 | 4,862 | 4,271 |
| 1979 Statewide | 45,341[b] | 51,031 | 412 | 422 | 47,754 | 48,176 | 48,196 |
| 1978 Statewide | 40,584 | 46,598 | 530 | 494 | 41,898 | 42,392 | 44,790 |

a. See footnote a., Table 1, for judges included.
b. This figure differs from that of December 31, 1978 due to inventory corrections.

TABLE 2

(b) REGULAR CIVIL CASES DISPOSED OF BY DISTRICT JUDGES

Methods of Disposition During 1979 With Totals Compared To Those of 1978

| DISTRICT | JUDGES | TOTAL DISPOSED OF | TRIED TO JURY | PERCENT TRIED TO JURY | TRIED TO COURT | PERCENT TRIED TO COURT | WITHOUT TRIAL | PERCENT WITHOUT TRIAL |
|---|---|---|---|---|---|---|---|---|
| 1 | 12 | 5,813 | 40 | 0.7% | 603 | 10.4% | 5,170 | 88.9% |
| 2 | 15 | 6,699 | 75 | 1.1% | 676 | 10.1% | 5,948 | 88.8% |
| 3 | 10 | 5,043 | 70 | 1.4% | 309 | 6.1% | 4,664 | 92.5% |
| 4 | 6 | 4,019 | 44 | 1.1% | 673 | 16.7% | 3,302 | 82.2% |
| 5 | 20 | 10,396 | 109 | 1.1% | 1,209 | 11.6% | 9,078 | 87.3% |
| 6 | 10 | 5,165 | 49 | 0.9% | 424 | 8.2% | 4,692 | 90.9% |
| 7 | 9 | 5,824 | 45 | 0.8% | 1,195 | 20.5% | 4,584 | 78.7% |
| 8 | 10 | 4,795 | 31 | 0.7% | 634 | 13.2% | 4,130 | 86.1% |
| 1979 Statewide | 92 | 47,754 | 463 | 1.0% | 5,723 | 12.0% | 41,568 | 87.0% |
| 1978 Statewide | 92 | 41,898 | 430 | 1.0% | 4,871 | 11.6% | 36,597 | 87.4% |

TABLE 2

(c) REGULAR CIVIL CASES DISPOSED OF BY ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES[a]

Method of Disposition During 1979 With Totals Compared to Those of 1978

| DISTRICT | JUDGES | TOTAL DISPOSED OF | TRIED TO JURY | PERCENT TRIED TO JURY | TRIED TO COURT | PERCENT TRIED TO COURT | WITHOUT TRIAL | PERCENT WITHOUT TRIAL |
|---|---|---|---|---|---|---|---|---|
| 1 | 5 | 97 | 3 | 3.1% | 25 | 25.8% | 69 | 71.1% |
| 2 | 5 | 28 | - | - | 13 | 46.4% | 15 | 53.6% |
| 3 | 4 | 180 | - | - | 31 | 17.2% | 149 | 82.8% |
| 4 | 2(3)[b] | 3 | 2 | 66.7% | 1 | 33.3% | - | - |
| 5 | 8 | 5 | - | - | 4 | 80.0 | 1 | 20.0% |
| 6 | 5 | - | - | - | - | - | - | - |
| 7 | 5 | 42 | 1 | 2.4% | 41 | 97.6% | - | - |
| 8 | 5(4)[b] | 67 | - | - | 21 | 31.3% | 46 | 68.7% |
| 1979 Statewide | 39 | 422 | 6 | 1.4% | 136 | 32.2% | 280 | 66.4% |
| 1978 Statewide | 39 | 494 | 11 | 2.2% | 135 | 27.3% | 348 | 70.5% |

a. Substitute full-time magistrates served in Polk (2), Dickinson, Story, Woodbury, Warren, Linn, and Des Moines Counties during 1979; a substitute full-time magistrate also served in Mahaska County during the first six months and in Pottawattamie County during the last six months of 1979.
b. See footnote b, Table 2(d) for explanation of figures in parenthesis.

TABLE 2

(d) REGULAR CIVIL CASES DISPOSED OF PER JUDGE DURING 1979
WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | DISTRICT JUDGES | | | OTHER JUDGES[a] | | |
|---|---|---|---|---|---|---|
| | NUMBER | DISPOSITIONS | PER JUDGE | NUMBER | DISPOSITIONS | PER JUDGE |
| 1 | 12 | 5,813 | 484 | 5 | 97 | 19 |
| 2 | 15 | 6,699 | 447 | 5 | 28 | 6 |
| 3 | 10 | 5,043 | 504 | 4 | 180 | 45 |
| 4 | 6 | 4,019 | 670 | 2 (3)[b] | 3 | 1 |
| 5 | 20 | 10,396 | 520 | 8 | 5 | 1 |
| 6 | 10 | 5,165 | 517 | 5 | - | - |
| 7 | 9 | 5,824 | 647 | 5 | 42 | 8 |
| 8 | 10 | 4,795 | 480 | 5 (4)[b] | 67 | 13 |
| 1979 Statewide | 92 | 47,754 | 519 | 39[b] | 422 | 11 |
| 1978 Statewide | 92 | 41,898 | 455 | 39 | 494 | 13 |

a. See footnote a., Table 1, for judges included.
b. A substitute full-time magistrate served in Pottawattamie County (Fourth Judicial District) during the last six months; a similar magistrate served in Mahaska County (Eighth Judicial District) during the first six months of 1979. The figure in parenthesis indicates the number of full-time judges and magistrates of limited jurisdiction serving during the last six months of 1979. In this report, the two half-year substitute full-time positions are considered equivalent to one full-year position. For purposes of determining the average caseload per judge, the Fourth District and Eighth District are considered to have 2.5 and 4.5 full-time positions, respectively, in 1979.

TABLE 3

(a) REGULAR CRIMINAL CASES

ACTIVITY DURING 1979 WITH TOTALS COMPARED
TO THOSE OF 1978

| DISTRICT | PENDING JANUARY 1 | DOCKETED | OTHER JUDGES[a] ASSIGNED TO | OTHER JUDGES[a] DISPOSED OF | DISPOSED OF BY DISTRICT JUDGES | TOTAL DISPOSITIONS | PENDING DECEMBER 31 |
|---|---|---|---|---|---|---|---|
| 1 | 1,155 | 3,432 | 1,434 | 1,528 | 1,941 | 3,469 | 1,118 |
| 2 | 1,792 | 4,449 | 1,519 | 1,497 | 2,877 | 4,374 | 1,867 |
| 3 | 1,702 | 3,228 | 1,382 | 1,400 | 1,797 | 3,197 | 1,733 |
| 4 | 500 | 2,849 | 1,692 | 1,692 | 989 | 2,681 | 668 |
| 5 | 2,653 | 5,728 | 2,149 | 2,139 | 3,043 | 5.182 | 3,199 |
| 6 | 1,466 | 4,760 | 2,628 | 2,586 | 1,884 | 4,470 | 1,756 |
| 7 | 1,854 | 3,993 | 2,703 | 2,731 | 1,241 | 3,972 | 1,875 |
| 8 | 980 | 2,587 | 953 | 940 | 1,326 | 2,266 | 1,301 |
| 1979 Statewide | 12,102[b] | 31,026 | 14,460 | 14,513 | 15,098 | 29,611 | 13,517 |
| 1978 Statewide | 12,192 | 27,942 | 12,869 | 13,005 | 14,573 | 27,578 | 12,556 |

a. See footnote a., Table 1, for judges included.
b. This figure differs from that of December 31, 1978, due to inventory corrections.

TABLE 3

(b) REGULAR CRIMINAL CASES DISPOSED OF BY DISTRICT JUDGES

Methods of Disposition During 1979 With Totals Compared to Those of 1978

| DISTRICT | JUDGES | TOTAL DISPOSED OF | TRIED TO JURY | PERCENT TRIED TO JURY | TRIED TO COURT | PERCENT TRIED TO COURT | WITHOUT TRIAL | PERCENT WITHOUT TRIAL |
|---|---|---|---|---|---|---|---|---|
| 1 | 12 | 1,941 | 59 | 3.0% | 87 | 4.5% | 1,795 | 92.5% |
| 2 | 15 | 2,877 | 86 | 3.0% | 123 | 4.3% | 2,668 | 92.7% |
| 3 | 10 | 1,797 | 35 | 1.9% | 76 | 4.2% | 1,686 | 93.8% |
| 4 | 6 | 989 | 34 | 3.4% | 126 | 12.7% | 829 | 83.8% |
| 5 | 20 | 3,043 | 182 | 6.0% | 525 | 17.2% | 2,336 | 76.8% |
| 6 | 10 | 1,884 | 82 | 4.3% | 73 | 3.9% | 1,729 | 91.8% |
| 7 | 9 | 1,241 | 73 | 5.9% | 13 | 1.0% | 1,155 | 93.1% |
| 8 | 10 | 1,326 | 60 | 4.5% | 128 | 9.7% | 1,138 | 85.8% |
| 1979 Statewide | 92 | 15,098 | 611 | 4.1% | 1,151 | 7.6% | 13,336 | 88.3% |
| 1978 Statewide | 92 | 14,573 | 591 | 4.0% | 1,021 | 7.0% | 12,961 | 89.0% |

TABLE 3

(c) REGULAR CRIMINAL CASES DISPOSED OF BY ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES

Methods of Disposition During 1979 With Totals Compared to Those of 1978

| DISTRICT | JUDGES | TOTAL DISPOSED OF | TRIED TO JURY | PERCENT TRIED TO JURY | TRIED TO COURT | PERCENT TRIED TO COURT | WITHOUT TRIAL | PERCENT WITHOUT TRIAL |
|---|---|---|---|---|---|---|---|---|
| 1 | 5 | 1,528 | 11 | 0.7% | - | - | 1,517 | 99.3% |
| 2 | 5 | 1,497 | 56 | 3.7% | 11 | 0.7% | 1,430 | 95.6% |
| 3 | 4 | 1,400 | 14 | 1.0% | 11 | 0.8% | 1,375 | 98.2% |
| 4 | 2 (3)[a] | 1,692 | 11 | 0.6% | 62 | 3.7% | 1,619 | 95.7% |
| 5 | 8 | 2,139 | 38 | 1.8% | 48 | 2.2% | 2,053 | 96.0% |
| 6 | 5 | 2,586 | 35 | 1.4% | 16 | 0.6% | 2,535 | 98.0% |
| 7 | 5 | 2,731 | 36 | 1.3% | 1 | - | 2,694 | 98.7% |
| 8 | 5 (4)[a] | 940 | 24 | 2.5% | 9 | 1.0% | 907 | 96.5% |
| 1979 Statewide | 39[a] | 14,513 | 225 | 1.5% | 158 | 1.1% | 14,130 | 97.4% |
| 1978 Statewide | 39 | 13,005 | 203 | 1.6% | 229 | 1.8% | 12,573 | 96.6% |

a. See footnote b, Table 2(d) for explanation.

TABLE 3

(d) REGULAR CRIMINAL CASES DISPOSED OF PER JUDGE DURING 1979
WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | DISTRICT JUDGES | | | OTHER JUDGES[a] | | |
|---|---|---|---|---|---|---|
| | NUMBER | DISPOSITIONS | PER JUDGE | NUMBER | DISPOSITIONS | PER JUDGE |
| 1 | 12 | 1,941 | 162 | 5 | 1,528 | 306 |
| 2 | 15 | 2,877 | 192 | 5 | 1,497 | 299 |
| 3 | 10 | 1,797 | 180 | 4 | 1,400 | 350 |
| 4 | 6 | 989 | 165 | 2 (3)[b] | 1,692 | 677 |
| 5 | 20 | 3,043 | 152 | 8 | 2,139 | 267 |
| 6 | 10 | 1,884 | 188 | 5 | 2,586 | 517 |
| 7 | 9 | 1,241 | 138 | 5 | 2,731 | 546 |
| 8 | 10 | 1,326 | 133 | 5 (4)[b] | 940 | 209 |
| 1979 Statewide | 92 | 15,098 | 164 | 39[b] | 14,511 | 372 |
| 1978 Statewide | 92 | 14,573 | 158 | 39 | 13,005 | 333 |

a. See footnote a., Table 1, for judges included.
b. See footnote b., Table 2(d) for explanation. As a substitute full-time magistrate served Mahaska and Pottawattamie Counties for only six months in 1979, for purposes of computing the number of dispositions per judicial officer by judicial district, the Fourth District was figured to have 2.5 judges while the Eighth District had 4.5 judges during 1979.

TABLE 4

COMPARISON OF AGE OF REGULAR CIVIL AND CRIMINAL CASES
PENDING STATEWIDE DECEMBER 31, 1979 AND DECEMBER 31, 1978

| | TOTAL PENDING | OVER 1 YEAR | PERCENT OVER 1 YEAR | UNDER 1 YEAR | PERCENT UNDER 1 YEAR |
|---|---|---|---|---|---|
| REGULAR CIVIL CASES: | | | | | |
| As of December 31, 1979[a] | 48,196 | 19,165 | 40% | 29,031 | 60% |
| As of December 31, 1978 | 44,790 | 18,075 | 40% | 26,715 | 60% |
| Change during the 1-year period | +3,406 | +1,090 | - | +2,316 | - |
| REGULAR CRIMINAL CASES: | | | | | |
| As of December 31, 1979[b] | 13,517 | 3,842 | 28% | 9,675 | 72% |
| As of December 31, 1978 | 12,556 | 3,179 | 25% | 9,377 | 75% |
| Change during the 1-year period | +961 | +663 | +3% | +298 | -3% |

a. For pending Civil cases in each district over 1 year old December 31, 1979, see Appendix A.
b. For pending Criminal cases in each district over 1 year old December 31, 1979, see Appendix B.

TABLE 5

(a) PROBATE MATTERS

NUMBER OPENED AND TRIALS ON CONTESTS DURING 1979 WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | JUDGES | TRUSTEESHIPS OPENED | GUARDIANSHIPS & CONSERVATORSHIPS OPENED | ESTATES OPENED | TRIALS TO JURY | TRIALS TO COURT |
|---|---|---|---|---|---|---|
| 1 | 12 | 98 | 531 | 2,539 | - | 32 |
| 2 | 15 | 154 | 727 | 3,552 | 1 | 55 |
| 3 | 10 | 82 | 613 | 2,478 | - | 35 |
| 4 | 6 | 59 | 229 | 1,491 | 1 | 29 |
| 5 | 20 | 207 | 90 | 3,847 | 1 | 14 |
| 6 | 10 | 89 | 315 | 1,995 | - | 36 |
| 7 | 9 | 34 | 272 | 1,227 | 1 | 26 |
| 8 | 10 | 75 | 420 | 2,355 | 1 | 25 |
| 1979 Statewide | 92 | 798 | 3,197 | 19,484 | 5 | 252 |
| 1978 Statewide | 92 | 901 | 3,919 | 19,398 | 2 | 561 |

TABLE 5

(b) DECEDENTS' ESTATES CLOSED

NUMBER CLOSED DURING 1979 AND AGE AT TIME OF CLOSING
WITH TOTALS COMPARED WITH THOSE OF 1978

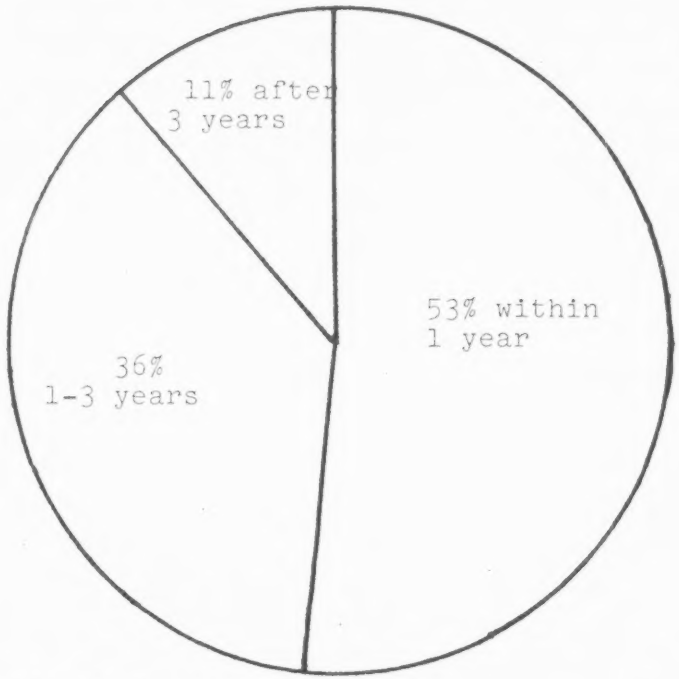
| DISTRICT | ESTATES CLOSED | PERCENT WITHIN 1 YEAR | PERCENT FROM 1-3 YEARS | AFTER 3 YEARS |
|---|---|---|---|---|
| 1 | 2,451 | 57% | 33% | 10% |
| 2 | 3,152 | 46% | 45% | 9% |
| 3 | 2,328 | 50% | 38% | 13% |
| 4 | 1,207 | 48% | 37% | 15% |
| 5 | 3,397 | 63% | 30% | 7% |
| 6 | 1,297 | 41% | 46% | 13% |
| 7 | 1,206 | 52% | 35% | 13% |
| 8 | 2,201 | 55% | 31% | 14% |
| 1979 Statewide | 17,239 | 53% | 36% | 11% |
| 1978 Statewide | 17,136 | 50% | 39% | 11% |

CHART 1

COMPARISON OF AGE OF DECEDENTS' ESTATES
AT TIME OF CLOSING

1979

The 17,239 estates closed were divided as to age in the following proportions:




Source Table 5(b)

1978

The 17,136 estates closed were divided as to age in the following proportions:

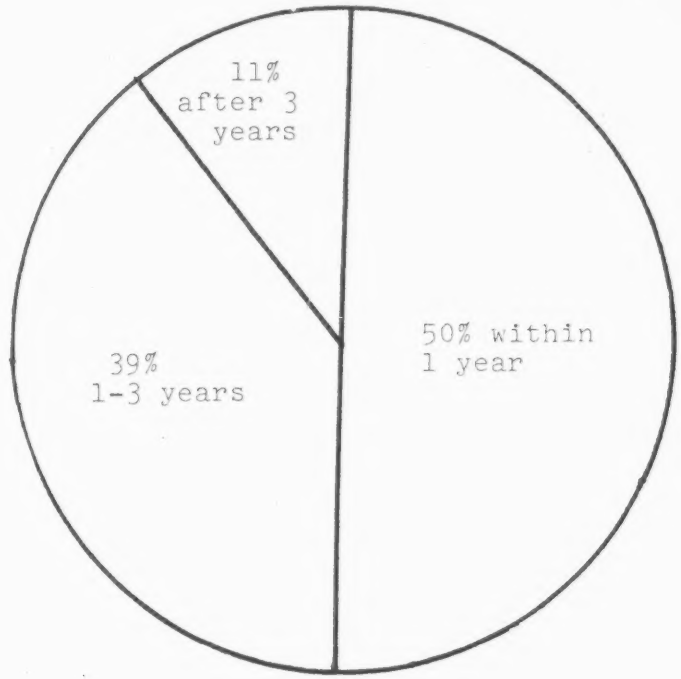


TABLE 6

(a) JUVENILE MATTERS* FILED, ASSIGNED, AND NUMBER OF FORMAL HEARINGS HELD DURING 1979

| DISTRICT | PETITIONS FILED WITH CLERK | ASSIGNED TO OTHER JUDGES | RETAINED FOR DISTRICT JUDGES | FORMAL HEARINGS HELD BY DISTRICT JUDGES | REFEREES | OTHER JUDGES |
|---|---|---|---|---|---|---|
| 1 | 623 | 525 | 98 | 265 | - | 828 |
| 2 | 653 | 326 | 327 | 393 | 17 | 510 |
| 3 | 589 | - | 589 | 16 | 669 | - |
| 4 | 503 | 497 | 17 | 4 | - | 664 |
| 5 | 893 | 94 | 799 | 653 | 614 | 110 |
| 6 | 712 | 711 | - | - | 735 | 1,212 |
| 7 | 715 | 677 | 38 | 26 | 243 | 723 |
| 8 | 539 | 446 | 92 | 99 | 95 | 902 |
| 1979 Statewide | 5,227 | 3,276 | 1,960 | 1,456 | 2,373 | 4,949 |
| 1978 Statewide | 6,179 | 3,385 | 2,782 | 1,681 | 2,119 | 4,234 |

*Juvenile matters involving the termination of parental rights (Chapter 600A, The Code) are not included in this table. See Table 6(b) for statistical information on termination of parental rights.

TABLE 6

(b) JUVENILE MATTERS INVOLVING TERMINATION OF PARENTAL RIGHTS

| DISTRICT | PETITIONS FILED WITH CLERK | ASSIGNED TO OTHER JUDGES | RETAINED FOR DISTRICT JUDGES | FORMAL HEARINGS HELD BY | | |
|---|---|---|---|---|---|---|
| | | | | DISTRICT JUDGES | REFEREES | OTHER JUDGES |
| 1 | 143 | 116 | 22 | 45 | - | 40 |
| 2 | 159 | 80 | 113 | 162 | - | 39 |
| 3 | 131 | - | 131 | 13 | 118 | - |
| 4 | 54 | 48 | 7 | 4 | - | 41 |
| 5 | 122 | 11 | 111 | 104 | 99 | 9 |
| 6 | 126 | 126 | - | - | 105 | 92 |
| 7 | 107 | 101 | 6 | 5 | 2 | 84 |
| 8 | 106 | 73 | 34 | 33 | 1 | 71 |
| 1979 Statewide | 948 | 555 | 424 | 366 | 325 | 396 |
| 1978 Statewide | 947 | 474 | 473 | 402 | 86 | 422 |

TABLE 6

(c) SMALL CLAIMS DOCKET MAINTAINED BY THE CLERK DURING 1979

| DISTRICT | PENDING JANUARY 1 | DOCKETED | DISPOSED OF BY | | PENDING DECEMBER 31 |
|---|---|---|---|---|---|
| | | | CLERK | JUDICIAL OFFICERS[a] | |
| 1 | 2,066 | 9,626 | 6,555 | 2,760 | 2,377 |
| 2 | 1,994 | 12,643 | 9,541 | 2,970 | 2,126 |
| 3 | 1,142 | 9,060 | 6,929 | 2,108 | 1,165 |
| 4 | 471 | 3,788 | 2,180 | 1,603 | 476 |
| 5 | 6,187 | 19,664 | 14,796 | 8,741 | 2,314 |
| 6 | 1,160 | 8,319 | 5,434 | 2,791 | 1,254 |
| 7 | 806 | 6,865 | 4,207 | 2,306 | 1,158 |
| 8 | 1,439 | 8,176 | 6,223 | 2,228 | 1,164 |
| 1979 Statewide | 15,265 | 78,141 | 55,865 | 25,507 | 12,034 |
| 1978 Statewide | 12,570 | 72,054 | 46,261 | 23,717 | 14,646 |

a. See Tables 9(e) and 12(e) for the activity of the various types of judicial officers.

TABLE 7

COMPARISON OF TOTAL 1979 CASELOAD PER DISTRICT JUDGE WITH RANK OF DISTRICT IN EACH CATEGORY SHOWN IN PARENTHESIS
(Adjusted to the nearest whole case or matter)

| DISTRICT | JUDGES | REGULAR CIVIL AND CRIMINAL CASES (Per Judge) DISPOSED OF[a] | PROBATE MATTERS (Per Judge) OPENED | PROBATE MATTERS (Per Judge) CLOSED | JUVENILE MATTERS[b] (Per Judge) PETITIONS | JUVENILE MATTERS[b] (Per Judge) HEARINGS |
|---|---|---|---|---|---|---|
| 1 | 12 | 646 (6) | 264 (5) | 240 (4) | 10 (5) | 26 (3) |
| 2 | 15 | 638 (7) | 296 (3) | 252 (3) | 29 (3) | 26 (2) |
| 3 | 10 | 684 (4) | 317 (1) | 276 (1) | 72 (1) | 3 (6) |
| 4 | 6 | 835 (1) | 297 (2) | 234 (5) | 4 (7) | 1 (7) |
| 5 | 20 | 672 (5) | 207 (7) | 207 (6) | 46 (2) | 38 (1) |
| 6 | 10 | 705 (3) | 240 (6) | 173 (7) | - (8) | _ (8) |
| 7 | 9 | 785 (2) | 170 (8) | 154 (8) | 5 (6) | 3 (5) |
| 8 | 10 | 612 (8) | 285 (4) | 257 (2) | 14 (4) | 13 (4) |
| 1979 Statewide | 92 | 683 | 255 | 224 | 26 | 20 |
| 1978 Statewide | 92 | 761 | 263 | 186 | 77 | 23 |

a. Computed from the sum of such cases disposed of by district court judges as shown by Tables 2(b) and 3(b).
b. Includes termination of parental rights as well as regular juvenile matters. See Tables 6(a) and 6(b). For juvenile matters handled by other judges, see Tables 10(a) and 10(b).

TABLE 8

1979 TOTAL ACTIVITY OF ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES ON MATTERS OTHER THAN REGULAR CIVIL AND CRIMINAL CASES AND JUVENILE CASES ASSIGNED TO DESIGNATED JUDGES WITH TOTALS COMPARED TO THOSE OF 1978[a]

| DISTRICT | JUDGES | DOCKETED OR ASSIGNED | DISPOSED OF | PENDING IN DOCKET OR ASSIGNED BUT NOT DISPOSED OF DECEMBER 31 |
|---|---|---|---|---|
| 1 | 5 | 16,722 | 16,754 | 1,606 |
| 2 | 5 | 11,264 | 11,296 | 1,680 |
| 3 | 4 | 20,652 | 21,867 | 1,590 |
| 4 | 2 (3)[b] | 8,528 | 8,838 | 1,946 |
| 5 | 8 | 60,770 | 61,600 | 47,909 |
| 6 | 5 | 16,876 | 15,529 | 3,807 |
| 7 | 5 | 31,631 | 32,186 | 6,977 |
| 8 | 5 (4)[b] | 5,123 | 5,157 | 624 |
| 1979 Statewide | 39[b] | 171,566 | 173,227 | 66,139 |
| 1978 Statewide | 30[c] | 149,453 | 131,366 | 60,054 |

a. For activity of such judges on regular civil and criminal cases, see Tables 1 through 3(d), and for the activity of those designated as juvenile court judges, see Tables 6(a), 6(b), 10(a), and 10(b).
b. See footnote b, Table 2(d) for explanation of the change in the number of substitute full-time magistrates during 1979.
c. In 1978, the workload of substitute full-time magistrates was included in the activity of part-time magistrates.

NOTE: For complete and detailed information on the various types of cases combined in this table, see Tables 9(a) through 9(e).

TABLE 9

(a) PRELIMINARY HEARING CASES

1979 ACTIVITY OF ASSOCIATE JUDGES, REGULAR, AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | JUDGES | PENDING JANUARY 1 | DOCKETED | DISPOSED OF BY FORMAL HEARINGS | DISPOSED OF WITHOUT FORMAL HEARINGS | PENDING DECEMBER 31 |
|---|---|---|---|---|---|---|
| 1 | 5 | 91 | 1,327 | - | 1,319 | 99 |
| 2 | 5 | 160 | 881 | 40 | 967 | 34 |
| 3 | 4 | 62 | 622 | 24 | 622 | 38 |
| 4 | 2 (3)[a] | 427 | 1,601 | 62 | 1,621 | 345 |
| 5 | 8 | 27 | 565 | 18 | 547 | 27 |
| 6 | 5 | 613 | 3,437 | 24 | 3,712 | 314 |
| 7 | 5 | 1,080 | 3,180 | 53 | 3,278 | 929 |
| 8 | 5 (4)[a] | 133 | 713 | 18 | 722 | 106 |
| 1979 Statewide | 39 | 2,593[b] | 12,326 | 239 | 12,788 | 1,892 |
| 1978 Statewide | 30[c] | 1,955 | 9,350 | 299 | 8,540 | 2,466 |

a. See footnote b, Table 2(d) for explanation.
b. This figure differs from that of December 31, 1978 due to inventory corrections.
c. See Table 8, footnote c.

TABLE 9

(b) NONINDICTABLE - STATE CASES

1979 ACTIVITY OF ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | JUDGES | PENDING JANUARY 1 | DOCKETED | DISPOSED OF BY TRIAL TO JURY | DISPOSED OF BY TRIAL TO COURT | DISPOSED OF BY WITHOUT TRIAL | PENDING DECEMBER 31 |
|---|---|---|---|---|---|---|---|
| 1 | 5 | 529 | 5,896 | 2 | 265 | 5,549 | 609 |
| 2 | 5 | 682 | 4,276 | 15 | 232 | 4,080 | 631 |
| 3 | 4 | 1,690 | 9,112 | 2 | 472 | 9,535 | 793 |
| 4 | 2 (3)[a] | 1,549 | 5,186 | - | 143 | 5,018 | 1,574 |
| 5 | 8 | 6,475 | 18,903 | 53 | 1,184 | 18,993 | 5,148 |
| 6 | 5 | 712 | 6,000 | 18 | 277 | 4,994 | 1,423 |
| 7 | 5 | 4,055 | 16,952 | 14 | 1,558 | 14,905 | 4,530 |
| 8 | 5 (4)[a] | 326 | 2,132 | 3 | 98 | 2,029 | 328 |
| 1979 Statewide | 39[a] | 16,018[b] | 68,457 | 107 | 4,229 | 65,103 | 15,036 |
| 1978 Statewide | 30[c] | 6,970 | 61,438 | 72 | 6,282 | 49,575 | 12,479 |

a. See footnote b, Table 2(d) for explanation.
b. This figure differs from that of December 31, 1978 due to inventory corrections.
c. See footnote c., Table 8.

TABLE 9

(c) NONINDICTABLE - ORDINANCE CASES

1979 ACTIVITY OF ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | JUDGES | PENDING JANUARY 1 | DOCKETED | DISPOSED OF BY TRIAL TO JURY | DISPOSED OF BY TRIAL TO COURT | DISPOSED OF BY WITHOUT TRIAL | PENDING DECEMBER 31 |
|---|---|---|---|---|---|---|---|
| 1 | 5 | 462 | 7,328 | - | 433 | 6,973 | 384 |
| 2 | 5 | 748 | 4,837 | 11 | 172 | 4,493 | 909 |
| 3 | 4 | 1,041 | 9,955 | 3 | 334 | 9,915 | 744 |
| 4 | 2 (3)[a] | 258 | 1,037 | 1 | 19 | 1,261 | 14 |
| 5 | 8 | 42,229 | 34,498 | 24 | 1,757 | 32,216 | 42,730 |
| 6 | 5 | 1,033 | 5,601 | 1 | 552 | 4,132 | 1,949 |
| 7 | 5 | 2,397 | 11,059 | 3 | 799 | 11,136 | 1,518 |
| 8 | 5 (4)[a] | 184 | 1,604 | 2 | 128 | 1,481 | 177 |
| 1979 Statewide | 39[a] | 48,352[b] | 75,919 | 45 | 4,194 | 71,607 | 48,425 |
| 1978 Statewide | 30[c] | 32,258 | 67,373 | 31 | 4,074 | 51,261 | 44,265 |

a. See footnote b., Table 2(d) for explanation.
b. This figure differs from that of December 31, 1978 due to inventory corrections.
c. See footnote c., Table 8.

TABLE 9

(d) SEARCH WARRANT, SEIZED PROPERTY, AND MISCELLANEOUS PROCEEDINGS[a]

1979 ACTIVITY OF ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | JUDGES | SEARCH WARRANT APPLICATIONS | SEIZED PROPERTY HEARINGS | MISCELLANEOUS ACTIONS DOCKETED |
|---|---|---|---|---|
| 1 | 5 | 308 | 252 | 19 |
| 2 | 5 | 108 | 28 | 22 |
| 3 | 4 | 51 | 110 | - |
| 4 | 2 (3)[b] | 23 | 11 | 9 |
| 5 | 8 | 31 | 4 | 19 |
| 6 | 5 | 52 | 150 | 13 |
| 7 | 5 | 59 | 20 | 47 |
| 8 | 5 (4)[b] | 53 | 32 | - |
| 1979 Statewide | 39[b] | 685 | 607 | 129 |
| 1978 Statewide | 30[c] | 195 | 218 | 15 |

a. Number of actions under Chapters 644 and 229, Code of Iowa (1979).
b. See footnote b, Table 2(d) for explanation.
c. See footnote c, Table 8.

NOTE: Inventory control reports were not requested from the judges on these types of proceedings. For the purpose of computing the total activity of judges appearing in Table 8, all proceedings docketed were considered disposed of by the end of the year.

TABLE 9

(e) SMALL CLAIMS

1979 ACTIVITY OF ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES WITH TOTALS COMPARED TO THOSE OF 1978

| DISTRICT | JUDGES | PENDING JANUARY 1 | ASSIGNED BY CLERK | DISPOSED OF BY | | ASSIGNED BUT NOT DISPOSED OF DECEMBER 31 |
|---|---|---|---|---|---|---|
| | | | | TRIAL TO COURT | WITHOUT TRIAL | |
| 1 | 5 | 556 | 1,592 | 756 | 878 | 514 |
| 2 | 5 | 122 | 1,112 | 687 | 441 | 106 |
| 3 | 4 | 12 | 802 | 380 | 419 | 15 |
| 4 | 2 (3)[a] | 22 | 661 | 668 | 2 | 13 |
| 5 | 8 | 8 | 6,750 | 1,573 | 5,181 | 4 |
| 6 | 5 | 102 | 1,623 | 1,160 | 444 | 121 |
| 7 | 5 | - | 314 | 308 | 6 | - |
| 8 | 5 (4)[a] | 15 | 589 | 249 | 342 | 13 |
| 1979 Statewide | 39[a] | 837[b] | 13,443 | 5,781 | 7,713 | 786 |
| 1978 Statewide | 30[c] | 784 | 10,864 | 4,893 | 5,911 | 844 |

a. See footnote b, Table 2(d) for explanation.
b. This figure differs from that of December 31, 1978 due to inventory corrections.
c. See footnote c, Table 8.

TABLE 10

(a) JUVENILE CASES

NUMBER OF ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME JUDICIAL MAGISTRATES DESIGNATED AS A JUDGE OF THE JUVENILE COURT AND THEIR ACTIVITY DURING 1979

| DISTRICT | JUDGES | NUMBER DESIGNATED | COUNTIES SERVED | CASES ASSIGNED BY CLERK | FORMAL HEARINGS HELD |
|---|---|---|---|---|---|
| 1 | 5 | 5 | a | 525 | 828 |
| 2 | 5 | 5 | b | 326 | 510 |
| 3 | 4 | 2 | c | - | - |
| 4 | 2 (3)[i] | 3 | d | 497 | 664 |
| 5 | 8 | 1 | e | 94 | 110 |
| 6 | 5 | 1 | f | 711 | 1,212 |
| 7 | 5 | 3 | g | 677 | 786 |
| 8 | 5 (4)[i] | 5 | h | 446 | 902 |
| 1979 Statewide | 39[i] | 25 | | 3,276 | 4,949 |
| 1978 Statewide | 39 | 19 | | 3,397 | 4,234 |

a. All district associate judges and full-time magistrates are authorized by the chief judge to hear juvenile matters.
b. One served Cerro Gordo, Marshall, and Webster Counties; two served Story.
c. Two served Woodbury. Juvenile court referees handle juvenile cases in Woodbury County.
d. One served all nine counties in the district; two served Pottawattamie County only; one handled juvenile cases during the last six months only.
e. One served Jasper County.
f. One served all six counties in the district.
g. One served Clinton, one served Muscatine, and one served Scott County.
h. Two served Des Moines, Henry, and Louisa Counties; one served Lee County; one served Mahaska County, January - June; and one served Wapello, Appanoose, and Jefferson Counties. A full-time juvenile referee served 8A during the last six months.
i. See footnote b, Table 2(d) for explanation of the change in the number of substitute full-time magistrates in the Fourth and Eighth Judicial Districts during 1979.

TABLE 10

(b) NUMBER OF JUVENILE MATTERS INVOLVING TERMINATION OF PARENTAL RIGHTS ASSIGNED TO ASSOCIATE JUDGES, REGULAR AND SUBSTITUTE FULL-TIME MAGISTRATES[a]

| DISTRICT | TOTAL JUDGES | NUMBER DESIGNATED | CASES ASSIGNED BY CLERK | FORMAL HEARINGS HELD |
|---|---|---|---|---|
| 1 | 5 | 5 | 116 | 40 |
| 2 | 5 | 5 | 80 | 59 |
| 3 | 4 | 2 | - | - |
| 4 | 2 (3)[a] | 3 | 48 | 41 |
| 5 | 8 | 1 | 11 | 9 |
| 6 | 5 | 1 | 126 | 92 |
| 7 | 5 | 3 | 101 | 84 |
| 8 | 5 (4)[a] | 5 | 73 | 71 |
| 1979 Statewide | 39 | 25 | 555 | 396 |
| 1978 Statewide | 39 | 20 | 474 | 422 |

a. For an explanation of the judges of limited jurisdiction in each district handling juvenile matters, see the footnotes in the preceding table. The substitute full-time magistrate in Pottawattamie County (Fourth Judicial District) commenced service July 1, 1979; the substitute full-time magistrate in Mahaska County (Eighth Judicial District) concluded service June 30, 1979.

TABLE 11

TOTAL ACTIVITY OF PART-TIME JUDICIAL MAGISTRATES, 1979

| DISTRICT | PART-TIME MAGISTRATES[a] ACTUAL | (AUTHORIZED) | DOCKETED OR ASSIGNED[b] | DISPOSED | PENDING 12/31/79 |
|---|---|---|---|---|---|
| 1 | 23 | (23) | 35,089 | 35,278 | 4,667 |
| 2 | 34 | (37) | 32,010 | 32,046 | 1,837 |
| 3 | 26 | (31) | 20,230 | 19,979 | 1,251 |
| 4 | 16 | (19) | 15,366 | 16,693 | 1,636 |
| 5 | 19 | (27) | 18,744 | 19,028 | 1,230 |
| 6 | 14 | (17) | 15,600 | 16,506 | 750 |
| 7 | 13 | (13) | 14,781 | 14,781 | 1,008 |
| 8 | 21 | (24) | 18,703 | 18,862 | 1,457 |
| 1979 Statewide | 166[a] | (191) | 170,523[c] | 173,173[d] | 13,836 |
| 1978 Statewide | | (191) | 215,304 | 212,124 | 26,268 |

a. The 1979 figures indicate the actual number of part-time magistrates serving in each district; figures in parenthesis show the number of part-time magistrate positions authorized. See footnote a., Table 2(c) for counties using substitute full-time magistrates, and Appendix E for the July 1, 1979 allocation of part-time magistrates. For purposes of comparison, please note the 1979 activity of substitute full-time magistrates is not included in this table as it was the previous year. In this report the workload of these magistrates is combined with that of full-time magistrates and associate judges as illustrated in Table 8. Figures in this table are based on the 1979 judicial magistrate allotment, effective July 1, 1979.
b. For purposes of this table, all search warrant applications, seized property hearings, and miscellaneous actions docketed in 1979 were considered disposed of by the end of the year.
c. Total includes 133 cases docketed or assigned to district court judges acting as magistrates.
d. Total includes 132 cases disposed of by district court judges acting as magistrates.

TABLE 12

(a) PRELIMINARY HEARING CASES

ACTIVITY OF PART-TIME JUDICIAL MAGISTRATES, 1979

| DISTRICT | DOCKETED | DISPOSED OF BY FORMAL HEARING | DISPOSED OF BY WITHOUT FORMAL HEARING | PENDING 12/31/79 |
|---|---|---|---|---|
| 1 | 1,554 | 102 | 1,476 | 57 |
| 2 | 2,413 | 306 | 2,164 | 157 |
| 3 | 1,462 | 259 | 1,201 | 173 |
| 4 | 670 | 88 | 941 | 49 |
| 5 | 1,604 | 213 | 1,470 | 65 |
| 6 | 543 | 36 | 497 | 44 |
| 7 | 307 | 42 | 263 | 33 |
| 8 | 1,738 | 198 | 1,565 | 133 |
| 1979 Statewide | 10,291[a] | 1,244[a] | 9,577[a] | 711 |
| 1978 Statewide | 10,921 | 1,494 | 9,778 | 1,277 |

a. Total includes two cases docketed, one case disposed of by formal hearing, and one case disposed of without hearing by district court judges acting as judicial magistrates.

TABLE 12

(b) NONINDICTABLE - STATE CASES

ACTIVITY OF PART-TIME JUDICIAL MAGISTRATES, 1979

| DISTRICT | DOCKETED | TRIAL TO JURY | TRIAL TO COURT | WITHOUT TRIAL | PENDING 12/31/79 |
|---|---|---|---|---|---|
| 1 | 12,709 | 25 | 908 | 11,439 | 1,704 |
| 2 | 20,285 | 24 | 2,138 | 18,024 | 1,343 |
| 3 | 11,671 | 16 | 1,000 | 10,434 | 892 |
| 4 | 9,211 | 9 | 593 | 8,964 | 584 |
| 5 | 11,963 | 41 | 1,049 | 11,013 | 1,011 |
| 6 | 8,564 | 19 | 938 | 8,265 | 450 |
| 7 | 7,348 | 17 | 374 | 6,928 | 469 |
| 8 | 10,485 | 57 | 890 | 9,562 | 930 |
| 1979 Statewide | 92,236[a] | 208 | 7,890[a] | 84,629 | 7,383 |
| 1978 Statewide | 108,612 | 186 | 9,260 | 97,708 | 12,212 |

a. Total includes six cases docketed and disposed of by formal hearing before district judges acting as judicial magistrates.

TABLE 12

(c) NONINDICTABLE - ORDINANCE CASES

ACTIVITY OF PART-TIME JUDICIAL MAGISTRATES, 1979

| DISTRICT | DOCKETED | TRIAL TO JURY | TRIAL TO COURT | WITHOUT TRIAL | PENDING 12/31/79 |
|---|---|---|---|---|---|
| 1 | 19,433 | 10 | 1,069 | 18,836 | 2,867 |
| 2 | 7,252 | 12 | 813 | 6,486 | 272 |
| 3 | 5,565 | 1 | 545 | 4,976 | 136 |
| 4 | 4,486 | - | 302 | 4,761 | 970 |
| 5 | 3,033 | 3 | 226 | 2,878 | 107 |
| 6 | 5,239 | 3 | 721 | 4,783 | 220 |
| 7 | 5,068 | 2 | 343 | 4,696 | 389 |
| 8 | 4,716 | 3 | 432 | 4,360 | 321 |
| 1979 Statewide | 54,792 | 34 | 4,451 | 51,776 | 5,282 |
| 1978 Statewide | 82,058 | 66 | 5,908 | 73,966 | 12,071 |

TABLE 12

(d) SEARCH WARRANT, SEIZED PROPERTY, AND MISCELLANEOUS PROCEEDINGS

ACTIVITY OF PART-TIME JUDICIAL MAGISTRATES, 1979

| DISTRICT | SEARCH WARRANT APPLICATIONS | SEIZED PROPERTY HEARINGS | MISCELLANEOUS ACTIONS[a] |
|---|---|---|---|
| 1 | 50 | 85 | 152 |
| 2 | 141 | 79 | 17 |
| 3 | 97 | 72 | 69 |
| 4 | 60 | 22 | 20 |
| 5 | 118 | 24 | 6 |
| 6 | 12 | 5 | 40 |
| 7 | 14 | 7 | 103 |
| 8 | 86 | 57 | 15 |
| 1979 Statewide | 578[b] | 351 | 422[b] |
| 1978 Statewide | 664 | 164 | 17 |

a. Number of actions under Chapters 229 and 644, Code of Iowa, 1979.
b. Total includes seven search warrant applications before district court judges and 112 miscellaneous actions handled by district judges acting as judicial magistrates.

TABLE 12

(e) SMALL CLAIMS

ACTIVITY OF PART-TIME JUDICIAL MAGISTRATES, 1979

| DISTRICT | ASSIGNED | TRIAL TO COURT | WITHOUT TRIAL | PENDING 12/31/79 |
|---|---|---|---|---|
| 1 | 1,106 | 711 | 415 | 39 |
| 2 | 1,823 | 1,113 | 729 | 65 |
| 3 | 1,294 | 766 | 543 | 50 |
| 4 | 897 | 750 | 183 | 33 |
| 5 | 1,996 | 947 | 1,040 | 47 |
| 6 | 1,197 | 498 | 689 | 36 |
| 7 | 1,934 | 1,631 | 361 | 117 |
| 8 | 1,606 | 1,412 | 225 | 73 |
| 1979 Statewide | 11,853[a] | 7,828[a] | 4,185[a] | 460[a] |
| 1978 Statewide | 12,868 | 7,767 | 5,146 | 708 |

a. Total includes six cases assigned, two disposed of by trial to court, three without trial and one pending before district judges acting as judicial magistrates.

TABLE 13
NUMBER OF SCHEDULED VIOLATIONS[a]

Handled Exclusively by the District Court Clerks (per county)

| County | Number 1978 | Number 1979 | County | Number 1978 | Number 1979 |
|---|---|---|---|---|---|
| Adair | 1,418 | 1,629 | Hamilton | 5,338 | 4,526 |
| Adams | 863 | 988 | Hancock | 1,777 | 1,737 |
| Allamakee | 1,541 | 956 | Hardin | 2,483 | 2,334 |
| Appanoose | 2,550 | 1,910 | Harrison | 3,732 | 6,855 |
| Audubon | 804 | 730 | Henry | 3,167 | 3,370 |
| Benton | 3,755 | 3,905 | Howard | 1,321 | 1,067 |
| Black Hawk | 16,234 | 18,406 | Humboldt | 1,138 | 1,035 |
| Boone | 3,328 | 2,779 | Ida | 1,406 | 1,575 |
| Bremer | 4,618 | 3,867 | Iowa | 3,163 | 2,710 |
| Buchanan | 4,392 | 4,057 | Jackson | 3,269 | 2,967 |
| Buena Vista | 3,271 | 3,130 | Jasper | 5,820 | 5,814 |
| Butler | 2,415 | 2,575 | Jefferson | 1,992 | 1,810 |
| Calhoun | 807 | 778 | Johnson | 14,957 | 15,731 |
| Carroll | 4,898 | 5,066 | Jones | 2,296 | 1,703 |
| Cass | 2,313 | 2,532 | Keokuk | 801 | 718 |
| Cedar | 14,081 | 12,217 | Kossuth | 1,452 | 1,104 |
| Cerro Gordo | 10,585 | 10,028 | Lee | 2,946 | 4,602 |
| Cherokee | 2,849 | 2,076 | Linn | 24,424 | 16,509 |
| Chickasaw | 2,558 | 1,900 | Louisa | 1,357 | 1,484 |
| Clarke | 5,057 | 6,036 | Lucas | 1,379 | 1,388 |
| Clay | 4,343 | 3,065 | Lyon | 918 | 865 |
| Clayton | 2,043 | 1,889 | Madison | 1,123 | 1,084 |
| Clinton | 5,055 | 7,588 | Mahaska | 3,112 | 2,279 |
| Crawford | 2,914 | 2,108 | Marion | 4,516 | 3,381 |
| Dallas | 6,182 | 5,299 | Marshall | 4,154 | 4,349 |
| Davis | 1,853 | 1,295 | Mills | 2,239 | 2,134 |
| Decatur | 1,991 | 1,842 | Mitchell | 1,483 | 1,027 |
| Delaware | 3,409 | 3,180 | Monona | 1,555 | 1,725 |
| Des Moines | 4,212 | 4,014 | Monroe | 2,369 | 1,342 |
| Dickinson | 3,288 | 2,643 | Montgomery | 2,529 | 2,145 |
| Dubuque | 4,987 | 5,516 | Muscatine | 4,809 | 4,752 |
| Emmet | 1,187 | 1,178 | O'Brien | 2,528 | 2,611 |
| Fayette | 5,673 | 4,665 | Osceola | 1,128 | 915 |
| Floyd | 3,467 | 3,301 | Page | 1,415 | 1,199 |
| Franklin | 4,909 | 3,856 | Palo Alto | 2,133 | 1,845 |
| Fremont | 2,493 | 2,192 | Plymouth | 3,988 | 3,347 |
| Greene | 1,365 | 975 | Pocahontas | 760 | 893 |
| Grundy | 2,219 | 1,861 | Polk | 95,853 | 101,515 |
| Guthrie | 831 | 794 | Pottawattamie | 18,968 | 20,514 |

TABLE 13 (Cont'd)

| County | Number 1978 | Number 1979 | County | Number 1978 | Number 1979 |
|---|---|---|---|---|---|
| Poweshiek | 1,985 | 1,970 | Wapello | 3,897 | 4,032 |
| Ringgold | 228 | 182 | Warren | 4,827 | 3,724 |
| Sac | 2,248 | 2,491 | Washington | 1,672 | 2,182 |
| Scott | 15,410 | 14,627 | Wayne | 1,600 | 1,564 |
| Shelby | 1,408 | 1,116 | Webster | 3,625 | 2,357 |
| Sioux | 3,070 | 2,833 | Winnebago | 792 | 625 |
| Story | 12,313 | 10,001 | Winneshiek | 1,813 | 1,716 |
| Tama | 3,753 | 3,336 | Woodbury | 16,940 | 16,060 |
| Taylor | 401 | 532 | Worth | 6,908 | 9,472 |
| Union | 1,910 | 1,838 | Wright | 1,141 | 1,059 |
| Van Buren | 488 | 720 | | | |
| | | | TOTAL | 476,985 | 462,224 |

a. Scheduled violations are defined in Section 805.8, The Code, 1979.

APPENDIX A

PENDING REGULAR CIVIL CASES OVER 1 YEAR OLD
DECEMBER 31, 1979

| DISTRICT | PENDING 12/31/79 | OVER 1 YEAR OLD | PERCENT OVER 1 YEAR OLD |
|---|---|---|---|
| 1 | 5,781 | 2,398 | 41% |
| 2 | 7,104 | 3,002 | 42% |
| 3 | 5,437 | 2,392 | 44% |
| 4 | 3,120 | 1,146 | 37% |
| 5 | 11,466 | 3,998 | 35% |
| 6 | 4,498 | 1,386 | 31% |
| 7 | 6,519 | 3,393 | 52% |
| 8 | 4,271 | 1,450 | 34% |
| 1979 Statewide | 48,196 | 19,165 | 40% |
| 1978 Statewide | 44,790 | 18,075 | 40% |

APPENDIX B

PENDING REGULAR CRIMINAL CASES OVER 1 YEAR OLD
DECEMBER 31, 1979

| DISTRICT | PENDING 12/31/79 | OVER 1 YEAR OLD | PERCENT OVER 1 YEAR OLD |
|---|---|---|---|
| 1 | 1,118 | 256 | 23% |
| 2 | 1,867 | 575 | 31% |
| 3 | 1,733 | 638 | 37% |
| 4 | 668 | 136 | 20% |
| 5 | 3,199 | 629 | 20% |
| 6 | 1,756 | 588 | 33% |
| 7 | 1,875 | 697 | 37% |
| 8 | 1,301 | 323 | 25% |
| 1979 Statewide | 13,517 | 3,842 | 28% |
| 1978 Statewide | 12,556 | 3,191 | 25% |

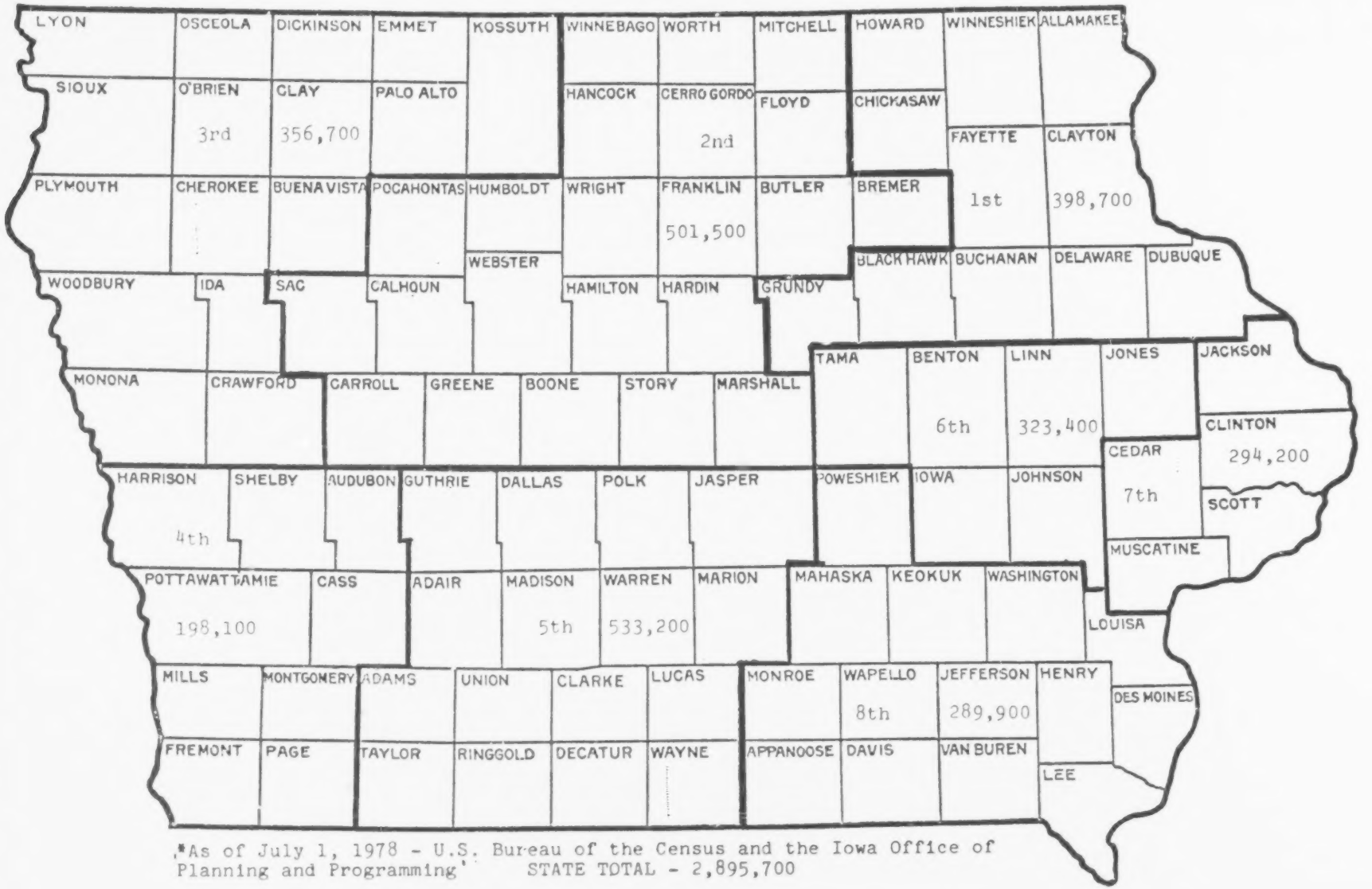
APPENDIX C

POPULATION PER DISTRICT COURT JUDGES
AS OF DECEMBER 31, 1979

| DISTRICT | JUDGES | DISTRICT POPULATION[a] | POPULATION PER JUDGE |
|---|---|---|---|
| 1 | 12 | 398,700 | 33,225 |
| 2 | 15 | 501,500 | 33,433 |
| 3 | 10 | 356,700 | 35,670 |
| 4 | 6 | 198,100 | 33,017 |
| 5 | 20 | 533,200 | 26,660 |
| 6 | 10 | 323,400 | 32,340 |
| 7 | 9 | 294,200 | 32,689 |
| 8 | 10 | 289,900 | 28,990 |
| Statewide | 92 | 2,895,700 | 31,475 |

a. Population estimates as of July 1, 1978 - U.S. Bureau of the Census and the Iowa Office of Planning and Programming.

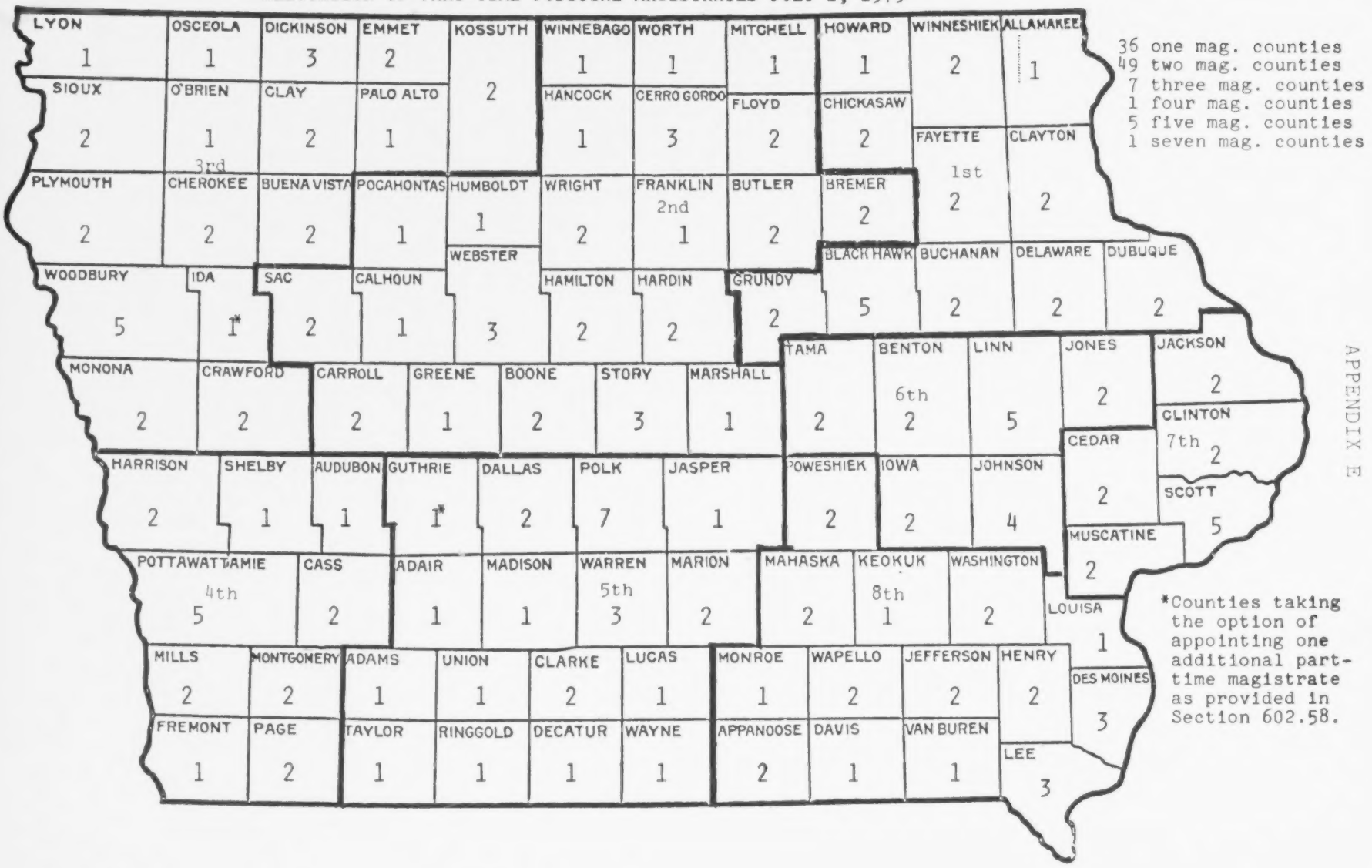
IOWA'S 8 JUDICIAL DISTRICTS - ESTIMATED POPULATION*




*As of July 1, 1978 - U.S. Bureau of the Census and the Iowa Office of Planning and Programming

STATE TOTAL - 2,895,700

# ALLOCATION OF PART-TIME JUDICIAL MAGISTRATES JULY 1, 1979




36 one mag. counties
49 two mag. counties
7 three mag. counties
1 four mag. counties
5 five mag. counties
1 seven mag. counties

*Counties taking the option of appointing one additional part-time magistrate as provided in Section 602.58.